

DOCUMENTS ON KASHMIR PROBLEM

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***Speeches and Interviews and
Role of
Sheikh Mohammed Abdullah***

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Introduction

The history and culture of Jammu and Kashmir were part of the pan-Indian civilization. It was partly due to geography, the Himalayas and the Western and Eastern ranges separating it from rest of the world, and partly due to the Brahmanical culture, with Sanskrit as the lingua franca, which gave it a unity in the eyes of the upper strata of society. From centuries, Kashmir remained free from racism, communalism and casteism even during the communal structure of Dogra Raj. The National Movement against the feudal exploitation, led by Sheikh Abdullah, which was started in 1930 and continued upto 1947, was the result of the growth of national consciousness in Jammu and Kashmir. Various national leaders of India, including Pandit Jawaharlal Nehru and Maulana Abdul Kalam Azad recognized the democratic and nationalist spirit of this struggle. But British imperialists and the Hindu press tried to interpret and project it as a "result of the dispute between the Hindus and the Muslims". Inspites, this anti-feudal movement was participated by a broad section of peasants and artisans came out to fight in the streets. This insurgency of 1931 awakened the national aspirations of the Kashmiris, which ultimately helyed in the emergence of a composite Kashmiri culture without any emphasis on Muslim sectarianism. By 1939, every conscious member of Hindu, Muslim and Sikh community joined the national movement. The anti-feudal and anti-imperialist struggle reached another high pitch in 1946. The AJKNC launched the "Quit Kashmir" movement and submitted a memorandum to the Cabinet

Mission of 1946 demanding absolute right to freedom from the autocratic rule of the Dogra house. The movement was to counter the threat of Muslim communalism that was spread in the wake of Pakistan movement of Muslim league. It also salvaged the tradition of secular nationalism in Kashmir, Launching this struggle for a decisive victory. Sheikh Abdullah, on 15 May 1946, reiterated at Srinagar that "the demand that the princely order should quit the state is a logical extension of the policy of "Quit India". When the freedom movement demands complete withdrawal of British power, logically enough the stooges of British imperialism should also go and restore sovereignty to its real owners, the people...the rulers of Indian states have always played traitor to the cause of Indian freedom. A revolution upturned the mighty Tsars and the French revolution made short work of the ruling class of France. The time has come to tear up the treaty of Amritsar, and quit Kashmir. Sovereignty is not the birth right of Maharaja Hari Singh, Quit Kashmir is not a question of revolt. It is a matter of right". The Sheikh was arrested on the charge of sedition against the Maharaja. Following his arrest whole valley rose in an uprising. On 19 June 1946 Pandit Jawaharlal Nehru, Aruna Asaf Ali, Dewan Chaman Lal and Tilak Raj Chadha went to Srinagar to defend Sheikh Abdullah at his trial but were arrested by the Maharaja's administration. On his return to Delhi, Nehru complained to Gandhiji and Maulana Azad, the Congress President that people in Kashmir were groaning under the reign of terror. Mahatma Gandhi visited Kashmir in August 1947 as a guest of National Conference.

The 'Quit Kashmir' movement kept the Muslim communalism in Kashmir at bay. Immediately after independence and the creation of Pakistan Jinnah decided to wrest Kashmir by force and sent raiders for this purpose. The Maharaja of Kashmir was fled. Jawaharlal Nehru decided to send troops to rescue Kashmir on the request of the Maharaja on 24 October 1947. It was done after Kashmir had legally acceded to India. On 26 October 1947 Sheikh Abdullah also formed a peace brigade and the peoples' militia to defeat the aggression

of Pakistan in the valley of Kashmir. Sheikh Abdullah, the doyen of nationalism, succeeded in restoring Hindu-Muslim harmony in the valley when the rest of India was burning by communal holocaust. There was a good rapport between Sheikh Abdullah, Mahatma Gandhi and Pandit Jawaharlal Nehru. Congress demanded the release of Sheikh Abdullah, and the establishment of popular government in Jammu and Kashmir. National Conference favoured accession of India without instrument of accession.

The Pakistan reacted sharply and contested the validity of the accession. India took the Kashmir question to the Security Council of the United Nations on 1 January 1948 [S/628]. Pakistan made counter complaint [S/646] but admitted that some tribesmen from Pakistan might be helping the "Azad Kashmir government". After debate the Security Council passed two resolutions [S/651 and S/654]. It appointed a three member Commission to investigate and mediate in the matter. On 13 August 1948 the UNCIP submitted a report to the Council in three parts (S/1100; S/1196, and S/1430). Part first of the report contained provisions for a cease fire. Part two dealt with a truce agreement, and Part third with the holding of a plebiscite after the implementation of first two parts. India agreed but Pakistan did not. Later on both countries accepted the proposal submitted by the UNCIP to the Security Council on 5 January 1949 dealing with the plebiscite. The cease fire came into effect 1 January 1949 and a cease fire line was agreed upon in July 1949. But a truce agreement could not be finalised due to opposite stands of both the countries.

The Security Council then appointed mediators. In 1949 General Mc Naughton of Canada was appointed as a mediator who's proposal was rejected by India. Sir Owen Dixon of Australia also could not succeed because he proposed the partition of Kashmir between both the countries rather than a plebiscite (S/1791). Frank P. Graham of the USA was the third mediator appointed in April 1951 also met with the same fate, however, he suggested a direct negotiation between India and Pakistan. He submitted five reports S/2375, S/2448, S/2611, S/2783 and S/2967.

In July-August 1953 and in May 1955 the Prime Minister of both India and Pakistan started negotiated settlement which ultimately failed. After a gap of five years the Pakistan Foreign Minister F.K. Noon raised the Kashmir issue in the UN Security Council and call upon India to refrain from accepting any change in the new constitution of Kashmir—the State of Jammu and Kashmir is and shall be an integral part of the Union of India—and to accept a plebiscite (SCOR, 12th Yr., Mtg. 761). Mr. V.K. Krishna Menon, the Indian representative informed the Council that the conditions for holding a plebiscite changed in Kashmir. (SCOR, 12th Yr. Mtgs. 762, 723 and 794). The Security Council favoured plebiscite by adopting a resolution (S/3739) on 24 January 1957. On 21 February 1957 President Gunnar Jarring of Sweden was asked to act as mediator but India refused to accept him for the implementation of the UNCIP resolution, (S/2821).

Meanwhile the National Conference demanded special status and autonomy for Kashmir in the political—constitutional framework of Indian political system. Article 370 of the Indian Constitution granted Kashmir a special position. It produced a hostile backlash among the Hindi-Hindu fanatics including Sardar Patel and Hindu lobby which demanded conformity of majority to Hindu minority views as well as uniformity by force. In Kashmir this Hindu lobby started non-cooperation movement against the government led by Sheikh. It was supported by the Jana Sangh, the Hindu Mahasabha, the RSS even by the Akali Leader Master Tara Singh and Mr. S.P. Mookerjee. They criticised Nehru's appeasement policy towards Kashmir. Mr. Mookerjee called this policy as "national liability". This non-cooperation was also supported by Jayaprakash Narayan and Acharya Kripalani. This fanning of the flame of Hindu communalism—especially, in Delhi, Uttar Pradesh and Punjab—resulted in the ambivalence in Sheikh's position about accession to India. Nehru succumbed before these reactionary elements ultimately. Sheikh Abdullah now came to the conclusion "that there was no middle course between full integration and full autonomy, and as the majority in Kashmir would not accept the first alternative, there was no choice but to accept the second."

Finally on midnight of 8-9 August 1953, the popularly elected leader of Kashmir was dismissed and imprisoned in a most undemocratic and uncereemonious fashion by violating the special provisions made in the Article 370 of the Constitution.

On 2 December 1957 Security Council passed a resolution S/3922 after considering the Jarring report and directed P. Graham to make recommendations (S/3984) to the parties for facilitating a peaceful settlement and for the implementation of the resolution of the UNCIP of 13 August 1948 and 5 January 1949. The Graham report was rejected by India.

During Ayub Khan's regime Nehru-Ayub talks commenced in 1959 and 1960. On 6 October 1960 President Ayub Khan gave a threat of Military settlement of the Kashmir Problems. Threats and counter threats continued till Chinese aggression on India in October 1962. Besides Pakistani slogan of *Jehad* President Ayub Khan put pressure on USA to exercise its influence for the settlement of the Kashmir issue. The matter was again raised in the Security Council on 1 February 1962 by Pakistan Permanent representative Zafrullah Khan who asked the Council to take up the consideration of the dispute and to secure to the Kashmiri people their right of self-determination (SCOR; 17 Yr. Mtg. 990). In the subsequent meetings of the Security Council (Mtgs. 1007 to 1016) Mr. Zafrullah Khan put forward his arguments in support of Pakistan's claim over Kashmir. Mr. C.S. Jha, India's permanent representative to the UN and Defence Minister Krishna Menon contested the Pakistani contentions (SCOR, Mtg. nos. 1009, 1011 and 1016) and supported by the U.S. representative and Indian position by the Soviet and Rumanian representatives. US and British representatives on 27 April 1962 tried to persuade the UN Secretary General U Thant for negotiating settlement. The issue was again raised by Mr. Plimpton, US representative, on 21 June 1962 and on 22 June 1962 when he succeeded in persuading the Irish representative to introduce draft resolution which was vetoed out by the Soviet Union (SCOR, 17 Yr. Mtg. 1016) Prime Minister Jawaharlal Nehru expressed deep concern over the attitude of Great Powers—the U.S.A. and the U.K. After the Chinese invasion on India both Nehru and

Ayub agreed for negotiated settlement. Six round of Bhutto—Swaran Singh talks were held between 27 December 1962 to 16 May 1963. The talks failed on the question of distribution of areas.

The disturbances in Kashmir on the disappearance of the hair of prophet Mohammad from the Hazaratbal shrine on the night of 26-27 December 1963 gave opportunity to Pakistan to raise Kashmir question in the Security Council. Though the hair was recovered, Pakistan's Minister of External Affairs, Z.A. Bhutto sent a letter to the Security Council for an urgent meeting [S/5516] to debate on grave situation of the State. Mr. Bhutto asked for a "move towards an honourable and joint solution" of the problem in Security Council's meetings held between 7 February to 11 May 1964 [Mtg. Nos. 1087, 1089, 1104, 1112 and 1114]. Refuting the charges Mr. M.C. Chagla and Mr. B.N. Chakraverti described the incident as "purely a domestic matter". [Mtg. nos. 1088, 1104, 1113 and 1115]. Though Mr. Roger Seydoux, President of the Council submitted his statement on 18 May 1964 but nothing tangible came out of the debate. [SCOR, Mtg. no. 117].

The Indian government released Sheikh Abdullah on 8 April 1964 withdrawing all charges against him. He was sent to Pakistan to resolve the issue but sudden death of Nehru on 27 May 1964 dashed all hopes. Ayub-Shastri meeting on 12 October 1964 at Karachi and J.P. Narayan's visit to Pakistan brought no change in the attitude of both the countries. Meanwhile Sheikh Abdullah was again arrested on 8 May 1965 on charge anti-India propaganda. Sino-Pak unison persuaded Pakistan to send armed infiltration into the valley from 6 August 1965. India reacted against this attack specially in the Chhamb. The war was stopped on 22 September. Tashkent Declarations, signed on 10 January 1966 restored the *status quo* in Jammu and Kashmir as it was existed before the 5 August 1965. The Pakistan Foreign Secretary Aziz Ahmed and later on 14 January 1966 President Ayub Khan declared that peace could not be achieved unless the dispute over Jammu and Kashmir was settled honourably and equitably. Bhutto also

blamed India for creation of the problem. Talking to the British Prime Minister Harold Wilson on 23 November 1966, Pakistani President Ayub Khan said that people of Kashmir "did not like Indian rule" and added that India did not honour the commitment under the Taskent Declaration. Not only this while speaking before the UN General Assembly meeting on 29 September 1966 Pakistan Foreign Minister, Sharifuddin Pirzada accused India for not honouring the UNCIP resolution of 13 August 1948 and 5 January 1949 about holding of a free and impartial plebiscite [GAOR, Pln. Mtg. 1423]. He also tried to raise this issue in the Commonwealth Prime Ministers' meeting held in London on 13 September 1966. He charged the Indian government with reluctance to allow the Kashmir people to exercise the right of self-determination. Even Prime Minister Mrs. Indira Gandhi gave a statement in Lok Sabha that 'India is not obliged by the Tashkent Declaration to settle the Kashmir dispute with Pakistan'. Pakistan Government started anti-India propaganda. Ayub Khan described Indian army as 'special danger to Pakistan'. He stressed on the solution of the Kashmir problem. On 10 October 1967 Pakistani Foreign Minister Mr. S. Pirzada raised a question in the UN General Assembly meeting [GAOR, Pln. Mt. 1584] and demanded 'self-determination' for the people of Kashmir, to which India was committed. Similar demands were made by Arshad Hussain, the new foreign minister of Pakistan in the UN General Assembly meeting [GAOR, Pl, Mtg. 1982] and Pakistan's National Affairs Minister Nawabzada Muhammad Sher Ali Khan, (GAOR Pln. Mtg. 1775) on October 2, 1969. Pakistani Home Minister Sardar Hamid accused India for avoiding discussions in the United Nations [GAOR, Pln. Mtg. 1853] on 29 September 1970. Meanwhile, Pakistani press, specially *Pakistan Times* and *Dawn* made vehement propaganda against India. "That India is suppressing freedom of the press in occupied Kashmir and adopting ruthless measures in curbing the students and youth 'Kashmiris are treated as second class citizens. Pakistan supported the terrorists in Kashmir.

A hand grenade was thrown on the Kashmir Chief minister, G.M. Sadiq on 16 May 1966. Terrorists confessed that they

were imparted training by Pakistani officers. The subversive activities of the Pakistani infiltrators continued till date. The cease-fire violations took place frequently. Both India and Pakistan accused each other for violation of cease-fire agreement on short Kashmir remained full disturbed between 1966 and 1969.

Pakistan protested strongly against India's measures to extend the application of Indian laws to Kashmir and described these contrary to the UNCIP and other resolutions of the United Nations. These bills, according to Pakistan, would give sweeping powers to the Indian Government to outlaw any organisation or any individual found guilty of questioning the India's sovereignty over any of the territories.

On 11 January 1968 Prime Minister Mrs. Indira Gandhi and Deputy Prime Minister, Morarji Desai desired to normalise relations with Pakistan by implementation of Tashkent Agreement but Pakistan did not respond favourably. Pakistan was insisting on "meaningful discussions on Kashmir". India's appeal to Pakistan for no-war pact' was turned down by Ayub Khan who described this proposal as "misleading" unless Kashmir dispute was solved. During the time Sheikh Abdullah and Mirza Afzal Beg were released from Jail on 3 January 1968. They demanded self determination for the Kashmiris. The hostile and anti-India attitude of Sheikh Abdullah put India in embarrassing situation.

General A.M. Yahya Khan who assumed the charge from President Ayub Khan on 25 March 1969 showed his willingness for some time to establish a peaceful atmosphere between the two countries. Mrs. Indira Gandhi sent a personal letter to Mr. Khan on 22 June 1969 and suggested to revive the no-war pact proposal and a joint machinery to examine comprehensively all aspects of normalisation of relation. General Yahya Khan accepted the proposal with provision that the machinery of Indo-Pakistani body should discuss all issues including Kashmir and Farakka barrage. But after the exchange of letters between the two governments, no follow-up actions could be taken up by either of the governments. Instead

President Yahya Khan banned all the exchange of printed materials between India and Pakistan, commercial, economic and cultural relations were completely cut off. Tashkent agreement, though Mrs. Indira Gandhi wanted to implement, went unsung and unheard. On 28 July 1970 President Yahya Khan again asked for amicable solution for Kashmir problem to establish cordial relations between both the countries.

Mr. Z.A. Bhutto advocated for quasi-military approach for the solution. Ashohar Khan recommended Algeria type struggle for Kashmir liberation. General Yahya Khan raised Kashmir's issue in UN General Assembly in October 1970 and demanded 'self determination' and withdrawal of forces of the two countries. India rejected the proposal and told that the State's accession to India in 1949 was complete. However, India favoured bilateral talks under Tashkent spirit. Mr. Z.A. Bhutto exploited the situation by raising war bogey against India. He formed Pakistan People's Party on 1 December 1967. December 1970 polls in Pakistan brought conflict between East and West Pakistan, ultimately resulted into the creation of Bangladesh. India-Pakistan relations were further deteriorated when on 30 January 1971 an Indian Airlines plane was hijacked to Lahore with Pakistani connivance and was allowed to be blown up at the Lahore airport. Hijackers were granted asylum and were given hero's welcome there. India banned all Pak flights over the Indian territory. After India-Pakistan war of 1971 both Mrs. Indira Gandhi and Mr. Z.A. Bhutto on 2 July 1972 concluded an agreement at Simla. It was promised to respect line of control resulting from the cease-fire of December 17, 1971 in Jammu and Kashmir. They also decided to settle the Kashmir issue by mutual talks. President Zia-ul-Haq, Prime Minister Benazir Bhutto, Rajiv Gandhi, V.P. Singh and Sheikh Abdullah came and went but the Kashmir remained unsolved.

Documents on Kashmir Problem is an excellent attempt of authentic and comprehensive compilation of published documents and other literature on the subject—Kashmir dispute. It presents the text of important documents including publications of the Government of India and Pakistan, United

Nations official documents, treatments, treaties, agreements, proposals, debates—both in UN Security Council, General Assembly—and Parliamentary debates—reports and recommendations, letters, telegrammes etc. The publication would help the research scholars, academicians, educationists, politicians as well as curious laymen in understanding the issue. Compilers have made an honest attempt to be objective and impartial in compiling, editing and presenting the documents. to prove their authenticity the sources of documents are also added.

We express our deep sense of indebtedness to the library staff of Indian Council of World Affairs Library, New Delhi, Nehru Memorial Museum Library, New Delhi, United Nations Information Centre, New Delhi, Jawahar Lal Nehru University Library, New Delhi, and Ministry of External Affairs Library, New Delhi for the help rendered to us during our visits there.

Speeches and Interviews

Opening speech by Mr. Mohamad Ali, Prime Minister of Pakistan, at the All Parties Conference on Kashmir, 1955

We have in this hall today a unique gathering. There are assembled here leaders drawn from all important political parties and schools of thought. It is for the first time in the history of Pakistan that an assembly so representative of public opinion has met to consider the Kashmir question and assist Government in finding a solution of this national problem. I am most grateful to all of you for having responded to my invitation.

We have met to consider a momentous issue. It is an issue the solution of which is vital to the preservation of peace and stability in this region. It is an issue which holds the key to friendly and cooperative relations between Pakistan and India. Above all it is a human issue. It concerns the destiny of 4 million people in the State of Jammu and Kashmir and their right to self-determination. Indeed, the fate not only of the four million inhabitants of Kashmir but that of many more millions in this region hangs on it.

The Kashmir dispute has remained unresolved for 8 years. The remarkable part of it is that, given goodwill, its solution should have presented no difficulty whatever. The issue, in fact, is extremely simple. Both India and Pakistan

are solemnly pledged that the question of the accession of the State to India or Pakistan must be settled through a free and impartial plebiscite. All that remains to be done is to hold this plebiscite. It has not been held so long because India would not allow it to be held.

In fact, the Kashmir dispute need never have arisen. Had certain agreements which formed the very basis of the Partition of this sub-continent been honoured by India, or had India been consistent even in her own conduct on this issue of accession of Indian States, there would have been no dispute regarding Kashmir. Let us recall some of the indisputable facts of Partition.

When Partition was agreed upon, the British Government declared that British paramountcy in regard to Indian States would lapse on the day the sub-continent became independent. The States would then be free to accede either to India or Pakistan as they wished. The Governor-General, Lord Mountbatten, however, advised the rulers that, in deciding the question of accession, they must pay due regard to the communal composition of their populations, the wishes of their peoples and the geographic location of their States. He told them: "You cannot run away from the Dominion Government which is your neighbour, any more than you can run away from the subjects for whose welfare you are responsible."

It was thus universally assumed that, following the basis of Partition, States with a Muslim majority population contiguous to Pakistan would accede to Pakistan. In the case of Kashmir, accordingly, the position was crystal-clear. Here, although the ruler was a Hindu, 77% of the population was Muslim. The territory is contiguous to Pakistan. Political, economic, strategic and other considerations, all made accession to Pakistan the natural course.

The Government of India and the Indian National Congress were in full agreement with the advice that Lord Mountbatten had given to Indian rulers on the subject of accession.

Indian States acceded to India or Pakistan in accordance generally with that advice. A dispute on the question of accession arose only in regard to three States, namely, Kashmir, Junagadh and Hyderabad.

The Nawab of Junagadh acceded to Pakistan, although the State had a majority of Hindu population. The Government of India protested in the strongest terms. Their view was that on the lapse of British paramountcy, sovereign rights in an Indian State reverted to its people. A Muslim ruler could not speak for his non-Muslim population. In their telegram dated 22nd September, 1947, the Government of India considered the acceptance of Junagadh's accession by Pakistan as an encroachment on Indian sovereignty and territory. They characterised it as "a clear attempt to cause disruption in the integrity of India by expanding the influence and boundaries of the Dominion of Pakistan in utter violation of the principles on which Partition was agreed upon and effected." Subsequently, the Indian army invaded Junagadh and the State was occupied by India by force.

In the matter of Hyderabad, the conduct of the Government of India was also inspired by similar considerations. The Nizam did not wish to accede either to India or Pakistan. He wanted instead to enter into special treaty relations with the Government of India in order to preserve a measure of independence for his State. That a Muslim ruler of a Hindu-majority State should refuse to accede to India, even though he was prepared to let his people decide this question by means of a plebiscite, was intolerable in the eyes of the Indian Government. In September 1948, Indian Army marched into Hyderabad and forcibly annexed the Nizam's territory.

The Indian stand thus was that a State with a majority of Hindu population must accede to India, even if its Muslim ruler does not want to do so. This according to the Government of India was the very basis of Partition. It followed therefrom that a State with a majority of Muslim population must accede to Pakistan, even though its Hindu ruler may decide otherwise.

When it came to Kashmir, however, the Indian claim that accession of Indian States must follow the Partition pattern, irrespective of the wishes of their respective Rulers, was conveniently ignored. Here was a case of a Hindu ruler offering to accede to India, inspite of the fact that 77% of the State's population was Muslim.

The offer of accession was, moreover, invalid. It was made during the currency of a standstill agreement which the Maharaja had signed with Pakistan on the 15th August, 1947. It was, further, against the known wishes of the majority of the population. Soon after Partition, the Maharaja's forces and the terrorist Hindu gangs he had imported from India set out to exterminate and overawe the Muslim population. The indomitable warriors of Poonch drew their sword in defence of freedom. They were poorly armed. Nevertheless, the Maharaja's forces were broken and scattered and an Azad Kashmir Government was set up to administer liberated territory. At the same time the brave people of the Northern territories threw off the Maharaja's yoke. The Maharaja himself fled the Capital and found sanctuary in Jammu, where the accession drama was enacted. His writ had ceased to be supreme in the major part of the State through an instrument of accession.

None of these facts, however, deterred the Government of India from accepting the Maharaja's offer of accession. On the strength of an accession document, signed surreptitiously by the Maharaja with the Government of India, Indian forces were flown into Kashmir to fight and subjugate the Muslim population. Since then India has remained in forcible occupation of a large part of the State.

This is how the Kashmir dispute arose. Had India honoured the basis on which Indian States were to accede to Pakistan or India and had Indian conduct with regard to Kashmir been consistent with her own conduct in respect of Junagadh and Hyderabad, no such dispute would have arisen.

While accepting the Maharaja's offer of accession, however, the Indian Government stated that this accession was to be conditional. In their reply to the Maharaja on the 27th October 1947, they categorically said that as soon as law and order was restored in the State, the question of the State's accession should be settled by a reference to the people.

Ever since then, for these last 8 years, this "reference to the people" has remained a mirage. Law and order was established in the State several years ago. But that Indian undertaking, subsequently reinforced by an International Agreement, that the people of Kashmir shall be allowed to decide the question of accession by means of a plebiscite remains unfulfilled.

On the 1st November 1947, the Quaid-i-Azam suggested that the Indian forces and the tribesmen should withdraw from the State at once and then the Governor-General of Pakistan and India should arrange for a plebiscite under their joint supervision. These proposals were not accepted by India.

Eventually, the Government of India took this dispute to the United Nations. While the Security Council was endeavouring to bring about a settlement, the Government of India, disregarding the undertaking they had given to the Security Council to do nothing that may aggravate the situation, launched a major offensive in the State in April 1948. The Indian intention obviously was to crush the forces of liberation and resistance within the State and to occupy the entire State by force. They thus wanted to present the world with a *fait accompli*, as they had done in the case of Junagadh and as they subsequently did in the case of Hyderabad.

As the Indian offensive mounted, over 500,000 Muslims were driven out of the State to seek refuge in Pakistan. Pakistan's security was seriously threatened by the advancing Indian forces. In May 1948, the Government of Pakistan were therefore compelled to move a limited number of troops into the State in order to hold certain defensive positions.

The heroism and valour shown by Azad Kashmir forces and the tribesmen and others from Pakistan who had gone to the succour of their brethren in Kashmir was superb. Although heavily outnumbered and inadequately armed, they valiantly fought the enemy's forces and gave a magnificent account of themselves. Had it not been for their resistance to the combined onslaught of the Indian and State forces, a much grimmer calamity would have befallen the helpless Muslim population of the State.

After hearing both Indian and Pakistani representatives, the Security Council came to the conclusion that the only just, peaceful and democratic solution of this dispute was to determine the accession of the State in accordance with the freely expressed will of the people. The Council appointed a Commission which was able eventually to bring about an agreement between Pakistan and India on the question of the accession of the State of Jammu and Kashmir. This International Agreement is embodied in two of the Commission's resolutions dated 13th August 1948, and 5th January 1949.

Pursuant to this Agreement, fighting in the State stopped on 1st January, 1949.

The Agreement provides for the withdrawal of Pakistan troops simultaneously with the withdrawal of the bulk of Indian forces from the State. Thereafter, a plebiscite Administrator is to be appointed to conduct a plebiscite to decide the accession of the State to India or Pakistan. He is to have full powers, including the power of disposal of the remaining Indian and State armed forces, so that the people may vote freely without fear or coercion.

By March 1949, Admiral Nimitz was designated Plebiscite Administrator, with the agreement both of India and Pakistan. Three months later, in July, the ceasefire line was demarcated in Kashmir.

Thereafter deadlock ensued. The Plebiscite Adminis-

trator can hold the plebiscite only after Indian and Pakistan troops have been withdrawn from the State in accordance with the provisions of the International Agreement. Up-to-date, owing to Indian intransigence, it has not been possible to make any progress with the withdrawal of troops from the State.

After January 1949, the Security Council and its representatives made numerous attempts to secure Indian agreement to the reduction of her troops in the State. All proposals for their reduction to a figure that would ensure the freedom of the plebiscite were rejected by India.

In July, 1950, Sir Owen Dixon, the U.N. Representative, even tried to seek an alternative solution to this problem. After consulting the Indian Prime Minister, he put forward a proposal that the plebiscite should be confined only to the Kashmir valley and some adjacent territories, and the remainder of the State territory may be partitioned between India and Pakistan. This proposal was repudiated by the Indian Prime Minister even while the Government of Pakistan were considering it. Sir Owen Dixon eventually came to the conclusion that India had no intention whatever of allowing a free expression of the will of the people in any part of the State under her control.

Subsequently, Dr. Graham, another Security Council mediator, made a number of attempts to secure Indian agreement on demilitarization. These too failed.

In 1953, on a suggestion from the Indian Prime Minister, my predecessor took up direct negotiations with him to settle this dispute. In a communique the two Prime Ministers issued from Delhi in August 1953, they reaffirmed that the Kashmir dispute should be settled in accordance with the wishes of the people of the State of Jammu and Kashmir as ascertained by means of a free and impartial plebiscite in the entire State. It was also agreed that the Plebiscite Administrator should be appointed by the end of April 1954 to organize and hold the plebiscite. Prior to that date, Expert Committees of Indian

and Pakistan officials were to meet and advise the Prime Ministers on the settlement of such issues as demilitarization, which had thus far held up progress towards the plebiscite.

This agreement was, however, accompanied by some entirely new demands by the Indian Prime Minister. He demanded that a new Plebiscite Administrator drawn from a small "neutral" country should be selected in place of Admiral Nimitz. He insisted that although a plebiscite was to be held in the entire State, this plebiscite by itself was not to decide the question of accession of the State to India or Pakistan. The question of accession, according to him, was to be decided after the result of the plebiscite had been examined in the light of geographic, economic and other considerations with a view to preventing migrations from or disturbances within the State. In other words, even after the plebiscite had been held there was to be no assurance that a settlement of this dispute would be reached. Finally, the Indian Prime Minister insisted that the Kashmir refugees now in Pakistan should not be allowed to vote in the plebiscite. He contended that to permit them to vote would create a number of complications. All these demands were contrary to previous agreements between India and Pakistan.

While these issues were still under discussion, an entirely extraneous subject was imported into these negotiations by the Indian Prime Minister. In December 1953, he informed my predecessor that reports that Pakistan was going to obtain military assistance from the United States had completely altered the context of Kashmir negotiations. In particular, he added, the grant of military aid to Pakistan would affect the question of demilitarization of the State of Jammu and Kashmir, implying that India would now want to keep larger forces in the State than previously.

Obviously this issue of military aid can have no bearing whatever on the size of forces that India may maintain in Kashmir during the plebiscite. Both India and Pakistan have agreed that the plebiscite must be free. Therefore all forc :

must be withdrawn from the State or so located that they are unable to interfere with the freedom of plebiscite. The question of military aid is totally irrelevant to this issue. It cannot be used as an excuse to deny to the people of Kashmir their right to determine the question of accession in complete freedom from fear or pressure of Indian forces stationed in the State.

These facts were explained to the Indian Prime Minister. Subsequent negotiations between the Prime Minister of India and my predecessor, however, failed to resolve these issues. They met again in May this year, in yet another attempt to solve this dispute. The Indian viewpoint was, however, so divergent from that of Pakistan that these talks also bore no fruit.

We are thus faced with this position. Although it was agreed between India, Pakistan and the Security Council, seven years ago, that the question of accession of the State of Jammu and Kashmir to India or Pakistan should be decided in accordance with the wishes of the people of the State as freely expressed through a plebiscite, no plebiscite has yet been held. India maintains a vast army in the State. Every proposal for a reduction in the size of this army so that the people's vote may be free has so far been rejected by India. She has thus barred the holding of a plebiscite.

The Indian Prime Minister and other Indian spokesmen have at times attempted to blame Pakistan for this unconscionable delay in the holding of the plebiscite. Addressing a press conference at Srinagar on July 9th this year, Pandit Pant, the Indian Home Minister, stated that Pakistan had failed to agree to any reasonable conditions for the last seven or eight years in regard to a plebiscite in Kashmir. Let us examine this statement a little closely.

What has held up the plebiscite is lack of agreement on reduction of forces in the State. Even a cursory appraisal of the facts will show who is responsible for it.

(1) In March 1949, the United Nations Commission convened a joint committee of the Indian and Pakistan representatives at which it was agreed that both India and Pakistan would submit their plans for the withdrawal of forces to this Committee. Pakistan did so : India first asked for more time and later refused to honour this agreement.

(2) After many months of effort, the U.N. Commission came to the conclusion that India was not prepared to withdraw the bulk of her forces from Kashmir and was seeking to cover this refusal by misinterpreting the Commission's resolutions on this subject. The Commission, therefore, proposed that the differences arising from the interpretation of the two resolutions (which constitute the international agreement on Kashmir) should be submitted to arbitration by Admiral Nimitz, the Plebiscite Administrator. This proposal was endorsed by a personal appeal from President Truman of U.S.A. and Mr. Attlee, the then British Prime Minister, in August 1949. Pakistan accepted this proposal : India rejected it.

(3) In December 1949, the President of the Security Council, General MacNaughton, acting as the Council's mediator in this dispute, formulated certain proposals for the demilitarization of the State of Jammu and Kashmir. Pakistan accepted these proposals : India rejected them.

(4) The Security Council then appointed Sir Owen Dixon and authorised him in March 1950 to bring about the demilitarization of the State within 5 months. He formulated his demilitarization proposals in July 1950 and discussed them with the Prime Ministers of India and Pakistan. Pakistan accepted those proposals : India rejected them.

(5) In January 1951, the Commonwealth Prime Ministers lent their good offices to settle this dispute. They considered the removal or disbandment of all troops of both India and Pakistan in Kashmir essential to securing the freedom of the plebiscite vote and suggested any one of the following to provide for the security of the State :

- (i) A Commonwealth force to be provided by Australia New Zealand, or
- (ii) A joint force of India and Pakistan; or
- (iii) A force to be locally raised in the State by the Plebiscite Administrator.

Each of these proposals was accepted by Pakistan but rejected by India.

(6) In March 1951, Ambassador Muniz of Brazil suggested that in order to resolve the deadlock both India and Pakistan agree to arbitration on all points of difference arising from the interpretation of the two United Nations commission's resolutions of 13th August 1948 and 5th January 1949 which provide for the plebiscite. Pakistan accepted this proposal : India rejected it.

(7) In March 1951, the Security Council in a resolution made similar proposal. Pakistan accepted the resolution : India again rejected it.

(8) Subsequently between March 1951 and December 1952 Dr. Graham, the U.N. Representative, put forward a number of proposals on the subject of demilitarization of the State of Jammu and Kashmir, each one of which was accepted by Pakistan, but rejected by India.

(9) Finally, in December 1952 in a resolution, the Security Council urged the Governments of India and Pakistan that they agree that Pakistan armed forces in the State should be reduced to between 3,000 and 6,000 and Indian forces to between 12,000 and 18,000. The Government of Pakistan accepted this resolution : the Government of India rejected it.

It was this stage that the Indian Prime Minister and my predecessor started direct negotiations with a view to settling this dispute. At one time, it seemed that the question of demilitarization of the State might be resolved by the Pakistan and Indian Experts Committees. Just then the Indian Prime

Minister barred further negotiations, on the plea that Pakistan's decision to obtain military aid from the U.S. had entirely changed the context of Kashmir negotiations.

In the light of the foregoing, Indian spokesmen's charge that Pakistan was preventing the holding of a plebiscite is clearly unjust and untrue. On the other hand, it is clear beyond doubt that the responsibility for preventing the plebiscite from being held is wholly that of India.

The Indian Prime Minister and other Indian spokesmen have of late also been saying that any solution of the Kashmir dispute must take into accounts the developments that have taken place during the last 7 years. In particular they have stated that under the Indian Constitution no decision concerning the disposition of the State of Jammu and Kashmir could be taken by the Government of India without the consent of the Government of that State. The other development according to them is that the State's "Constituent Assembly" has voted for accession to India.

These so-called developments are nothing but action taken unilaterally by India herself. They cannot alter the basic fact that India is bound under an International Agreement to decide the question of the accession of Kashmir through a free plebiscite. Nor can they possibly take away from the people of Kashmir their right to self-determination. It must be remembered that there are three parties to this agreement: Pakistan, the Security Council and India. Any unilateral action taken by India or by any subordinate body set up under Indian authority cannot in the least alter the commitments India has freely made under an International Agreement in regard to Kashmir.

So far as the accession to India by the so-called "Constituent Assembly" of the State is concerned, it is wholly devoid of any moral basis or legal effect.

When the idea of convening this Assembly was first

mooted, the Indian representative categorically assured the Security Council that it was not meant "to come in the way" of Security Council and that while "the Assembly" might "express an opinion" on the question of accession, "it can take no decision on it" . It is quite obvious, therefore, that it was never intended that any decisions by this Assembly on the question of accession would in any way affect India's commitment that this question shall be decided only by means of a free and impartial plebiscite in the State. Let us, nevertheless, look at the character of this Assembly.

To start with, it obviously does not represent a large part of the State of Jammu and Kashmir, namely, the substantial State territory which is not under Indian occupation. But let that pass. What is the nature of this so-called constitution-making body?

It was to consist of 75 members, representing Indian-occupied Kashmir. The elections were to be held while Indian troops were still in full control of the State. Under these circumstances there was no question of any freedom of vote. And, in fact, there was no vote. All sections of the Kashmir population boycotted the elections. In the result, no election at all took place. All the 75 members, nominated at India's behest, were declared "elected" unopposed. The world knows the character of regimes under which such unanimity in elections becomes possible. To call such an Assembly representative of the people of Kashmir would be a mockery of democracy. To claim that it was competent to decide the fate of the State, would be fantastic.

However, even with an Assembly which consisted wholly of men nominated by India's agents, things did not proceed entirely according to plan. As time passed and Indian designs with regard to the future of the State became clearer, Sheikh Abdullah, the State's Prime Minister, began to get progressively disillusioned. He started condemning attempts to force the State to accede wholly to India. In a public speech he described Indian arguments in favour of full application

of the Indian Constitution to Kashmir as "unrealistic childish and savouring of lunacy". This was in April 1952. By August 1953 the gulf between his and the Indian point of view on the question of accession had become so wide that it had become dangerous from the Indian standpoint to let him stay at large. The Indian press began vigorously to attack Sheikh Abdullah and openly to suggest that he needed rest. Accordingly, on the 9th August 1953, Sheikh Abdullah, whom India had held up to the world as the true spokesman of the people of Kashmir, was denounced, dismissed and clapped in jail. In his place, Bakshi Ghulam Mohammed was installed "Prime Minister" with the help of the Indian Army of Occupation. In due course, Bakshi Ghulam Mohammed fulfilled his part of the bargain. The so-called Constituent Assembly was persuaded to agree to "accede" to India. This is the true nature of the alleged "accession" decision which this Assembly rubber-stamped at India's dictation.

The Indian Prime Minister has repeatedly affirmed that India stands by her international commitments. If that is so it is indeed extraordinary that Indian agreement on the basic question of the reduction of Indian troops in Kashmir so that a plebiscite may be held should prove so elusive. One is compelled to agree with Sir Owen Dixon that India has no intention to allow a free plebiscite in any part of the State under her control. Her object is rather to continue to hold the state down by force in an effect to consolidate her strangle-hold on Kashmir.

Nor do developments which have been taking place inside Indian-occupied Kashmir, with the obvious complicity of India, help to reinforce faith in Indian professions that India means to abide by her international commitments in regard to Kashmir. Civil liberties are dead. Sheikh Mohammed Abdullah was arrested and jailed because he began to show signs of refusing to toe the Indian line on the question of the plebiscite. He has been in jail for over 2 years without any trial. Many of his compatriots have also been similarly incarcerated. Today a reign of terror prevails in Kashmir. Whoever dares openly to ask for a plebiscite to

decide the question of accession is accused of "treason" and imprisoned. A number of prominent Kashmir leaders have recently been arrested on this ground. Among them are Mirza Afzal Beg, a one-time Minister in the Abdullah Government, whose main crime seems to be that he was organising the plebiscite. Front in Kashmir, Mr. Ghulam Mohiyuddin Karra, President of the all-Jammu and Kashmir Political Conference, Pandit Prem Nath Bazaz, President, Democratic Union, Pir Maqbool Shah Gilani, Mr. Muhammad Hussain Gilani, Mr. Ghulam Muhammed Butt and many other Kashmir leaders and workers.

The Government of India are mistaken if they think that by such measures they would succeed in suppressing the demand for a plebiscite or scotching the movement for liberation from the Indian yoke. Let them draw a lesson from the independence struggle of the people of India and Pakistan. Such movements can never be put down by repressive measures. On the contrary, the greater the repression the greater and more wide-spread the popular bitterness, and the stronger such movements become. I am confident that the day is not far off when Bakhshi Ghulam Mohammed himself will be discarded by his Indian bosses.

Indian-occupied Kashmir today is virtually an armed camp. There are some 90,000 Indian soldiers in the State. In other words, there is an Indian soldier for every 32 persons in Indian occupied territory. If we leave women and children out of account, it would seem that India has one soldier for every 12 adult males in Kashmir. There is, besides, the State Militia and a vast army of that notorious oppressive instrument that goes by the name of the Peace Brigade to hold the population down. Nevertheless, a strong resistance movement, which must command the admiration of the world, continues to thrive in the State. Of late, this movement has been gaining rapidly in strength and the recent wholesale arrests are an indication that the Bakhshi Government is seized with panic. You cannot indefinitely hold down a whole population by means of bayonets and Indian bayonets are no exception.

Indian action in respect of Junagadh, Hyderabad and Kashmir is part of the same pattern. It is based solely on the familiar imperialist rule—*Might is Right*.

The Indian Prime Minister has often attacked colonialism in the strongest terms. He is also a signatory to the Bandung Resolution which condemns colonialism in all its manifestations. And yet, what the world witnesses in Kashmir today is clearly a manifestation of colonialism. India has sedulously preached to the world the principle of self-determination but scrupulously refrained from practising it herself.

Our hearts go out to the people of Kashmir who today live in that prison-house in terror and travail. They have faced their trials with great courage and endurance. I have no doubt that they will eventually succeed in achieving their objective, however oppressive the measures that their rulers may adopt.

What crime have they committed that the engines of oppression should be employed against them? What is it that they want? They want merely that they be allowed to exercise their right to self-determination; to decide their own fate. They only ask that India abide by her international commitments and let them decide the question of accession by means of a fair and impartial plebiscite. In asking India to fulfil her commitments, surely they have committed no offence, such as would merit wholesale arrests and indefinite imprisonment without trial for their leaders.

And what do we in Pakistan want? Merely this that the people of Kashmir should be allowed freely to exercise their choice in respect of accession. Both India and Pakistan are committed to this course. So is the Security Council. Let that commitment be fulfilled.

The Kashmir dispute has remained unresolved for eight years. As I have said, had India honoured the agreements reached at the time of Partition, this dispute would never have arisen. In any event, given goodwill and a genuine desire to

settle this dispute, its solution should present no serious difficulty whatever. It is unfortunate that a dispute of this character should have been allowed for so long to embitter relations between India and Pakistan and become a serious potential threat to world peace.

We have shown the utmost patience in handling this dispute. For eight years we have preserved in the search for a peaceful settlement. We have not succeeded. Every effort to break the deadlock by impartial mediators has been defeated by Indian intransigence. We are prepared to explore and exhaust all other possibilities of a peaceful settlement. I must, however, warn that as time passes and this dispute remains unresolved frustration and bitterness will grow among the people of Kashmir and the people of Pakistan. It is of the utmost importance that this dispute is resolved before this frustration and bitterness have so seized the minds of the people that they turn to desperate measures.

We wish to live in honourable friendship with the people of India. They are our neighbours. The cause of peace and the prosperity of the peoples of this sub-continent can be best served if India and Pakistan co-operate in the solution of their common problems. In order that they may do so, the causes that now poison their relations must be eliminated. Of these the Kashmir dispute is the most important. It behoves India and Pakistan and all countries interested in the promotion of peace and welfare of this region to see that a just settlement of this dispute is reached without further delay.

This dispute presents a great moral issue before the world. This issue is : Should the inhabitants of Kashmir enjoy the right to self-determination which is their birth-right ? Should they be permitted to decide the question of accession of their State in a free plebiscite ? India herself is pledged to let them to do so. We too are similarly pledged. That pledge has to be honoured.

Finally, let me give this assurance to the people of

Kashmir. In their struggle for self-determination, the people of Pakistan are fully behind them. We shall strive to the utmost to secure that right for them. However long and arduous the struggle may be we shall not fail them. Everything we hold dear—our faith, our honour, our lives are dedicated to the fulfilment of this pledge.

Statement of Defence Minister V.K. Krishna Menon on the question of withdrawal of Kashmir case from U.N.O. in the Lok Sabha on April 22, 1960.

This resolution coming within the private Members' time might perhaps—I only said, perhaps—give an impression that it is somewhat out of relationship with the immensity of this problem. We may not however forget that this debate, however few we are here, has a vast audience, an audience just across our frontiers, an audience in the world, and particularly amongst the Great Powers.

Shri Tariq has moved this Resolution which has given us an opportunity of reminding ourselves of this problem. It will live with us unless and until Pakistan vacates its aggression on Kashmir territory, because what is involved here is really the sovereignty of this land. This is the fundamental issue.

The Resolution before us asks us to withdraw our complaint or rather our reference—we did not, actually make it as a complaint—to the Security Council. Mr. Deputy-Speaker, Sir, I say with great respect that the criticism that is made of the Mover's approach to this, for availing ourselves of this remedy is bad, but, if I may say, so, the reasons given for it are worse. The reasons why we cannot withdraw this from the Security Council are not merely technical ones. If they are technical ones, we would overcome them. The reasons go to the basis of our foreign policy, of our approach to international affairs and, what is more, to our security.

Now, there are certain fundamental things in connection with Kashmir. This debate has roamed far and wide. There-

fore, it becomes necessary, since matters have been raised, to refer to some of them in brief.

First of all this reference was made to the Security Council at a time when conditions as far as were known then were not the conditions that came to be known afterwards. We submitted the complaint to the Security Council under Chapter VI of the Charter of the United Nations—Pacific Settlement of Disputes—because at that time we were not aware of the fact that Pakistani Armies had intervened. At least we were not officially aware. At that time many Pakistani nationals were there and they were aided and abetted by Pakistan; but it had not become a warlike action by a constituted State.

Secondly, at that time our one desire was to limit the spreading of conflict. Reference has been made—and I think it is only right to refer to it—allegation has been made to the sinister role of Lord Mountbatten in this affair. Apart from being a reflection on Lord Mountbatten, it is rather a reflection on this country. We were a self-governing Dominion at that time and it was incumbent on the Governor-General as the Head of the State to act according to the advice of his Ministers. So, if we place the responsibility of Lord Mountbatten, we are really blaming our Government and our Prime Minister. But, in fact, what is alleged is not the case at all. Lord Mountbatten's role in this, as Head of the State, was to accept accession. But, in the subsequent letter that went out there was some reference to the ascertainment of the opinion of the people to which I shall refer later.

Therefore, the main position in regard to this was this: we went there at a time when we did not know as much as we did later. And, our lack of knowledge was not due so much to our lack of care as to the fact of deliberate concealment on the other side. And, so, when Pakistan made its reply—some 15 days later—to the United Nations they answered our application with several points—I think it was 14 of something of that kind. But only one of them referred to Kashmir the

others were references to Junagadh, Hyderabad and genocide and the two nation theory and all kinds of things which had nothing to do with this matter. The long reply did not refer to the Kashmir State except a two line paragraph or so in which they denied aggression. The others are irrelevant. Our complaint was, therefore, in fact, met by denial which, afterwards, was proved by U.N. Observers to be wrong. Therefore, there has been no legitimate or proved fact in support of the denial.

Reference has been made to the fact that aggression has not been found by the United Nations. This is to throw away the support we have got from the findings of the U.N. Commission itself when Sir Owen Dixon stated that on such a date when the Pakistani forces crossed the frontier they committed a breach of international law. That might be a roundabout way of saving it. But it was a finding that aggression had been committed.

In this matter we have to stand from on various factors. Ours being a modern nation an old country, being a modern nation, having come into independence after the emergence of the United Nations and the Charter, the commitments in relation to the Charter are part of our Constitution. Therefore, we are bound as much by the municipal law of this country as by the international obligations which have been sanctified or accepted by our municipal law. We cannot get away from the obligations of the Charter of the United Nations.

Secondly, it is not our interest to get away from it. The solution now proposed, if it were accepted, would be something like saying, if you have got a bad headache, cut off your head. That would be no remedy. So, to displace the United Nations and to lend our support even if we are badly hurt would be to disown and disengage ourselves from all the obligations, moral and otherwise we have entered into. It would accentuate or rather would take us away from the forces that operate in this world towards world peace and co-operation and human development. What is more, it would belie every profession and every declaration that we have

made before that body in this regard. It is quite true that aggression has not been vacated in Kashmir. It is also true that even the United Nations in its resolutions—it is sometimes forgotten—has found in favour of our sovereignty of that region, because every resolution speaks about the sovereignty of Jammu and Kashmir—Jammu and Kashmir is an integral part of India—and because there are no States in this country, whether it be the Maharashtra that has to appear or Gujarat that has to appear next week or Kerala in which there is trouble often or Bengal or Punjab, there are no States with international boundaries, with frontiers. The frontiers of Jammu and Kashmir are on the Arabian Sea, the Bay of Bengal and the foot of the Himalayas. That has been sanctified by the declaration of the U. N. where it speaks of the sovereignty of the Jammu and Kashmir Government which is indeed the Government that is like any other Government part of our constitutional arrangements. It is so by international law; it has been accepted by Pakistan, by ourselves and the British Government at the time of Pakistan. It is international law.

Secondly, it is the will of the people themselves declared in their constituent assembly and afterwards by two different elections from which latter only those people who were held away by duress were prevented from participation. Even if they had voted against it would still leave a large electoral majority in favour of the declared will. Therefore the plebiscite has been gone through. We come to this question raised by Shri Sadhan Gupta. He said that we made a mistake in making a commitment about the plebiscite. We are inclined to accept the versions of other people about us; we are even likely sometimes to accept such terms. Two or three years ago, it was common in our country to speak about Kashmir and India as if they were two separate countries. We have got out of it. Similarly, when we speak about the plebiscite and so on, we are accepting the version of people who do not agree with us. We made no commitment in regard to the plebiscite without any conditions. True, we have referred to it. The only resolutions of the U.N. by which we are bound are the resolution of the 13th August, 1948, 5th January, 1949 and the

17th January or whatever it is. These are the only resolutions to which India has agreed. Every delegate, myself or any representative of the Government—every delegate had been instructed and has said it before the Security Council that we are not bound by any resolution which we have not accepted. We may in good faith try to carry out what the Security Council decides; we cannot prevent the Security Council passing resolutions anything more than we can prevent the SEATO powers declaring India to be under their protect-royalty were to return to some particular country whose name I shall not mention and were to say, "Macmillan was my ancestor and the whole continent of America is part of my country", we could not stop him doing it. You may send him to some place for mental cure. If the Security Council were to pass any resolution or the SEATO powers were to say that any country below the 32nd parallel is under its protection, we cannot stop them. We can only refuse to accept them. There was thus no question of any resolution being accepted.

It takes me to a point of the plebiscite. There is the "Plebiscite Front" and what not. What has been their view at the U.N.? We accepted it as a working basis some years ago. Some years ago, there was a resolution which was divided into three parts; it is what may be called a concertina resolution. One part is tied up with the other. The second part becomes operative only when the first part is performed; so also, about the third part. Our contention has been and I am glad to say that it is now regarded as at least not controvertible—that the first part has not been performed. That first part was that the Pakistani elements in the territory of Jammu and Kashmir must withdraw. Their contention was that they were not there; and it was said that all the forces that there were at that time, except such people as were required for local police work in the so-called Azad Government, should withdraw. At that time when the Resolution was passed, the Northern areas were not under the Azad Government and in fact the Pakistani delegate himself admitted that he had no control over it. Therefore, the whole area which is now so significant to us,

much more than is realised by our countrymen,—Baltistan, Gilgit, the whole area of Chitral, the frontiers with China, Soviet Union and so on, that is, those areas—was never part of Azad Kashmir; those areas were and are within the sovereignty of the Jammu and Kashmir Government.

So when this resolution was passed the Pakistan Government had agreed to withdraw all these forces. Not only did they not withdraw these forces, they accentuated and added to them. Therefore, the first part has not been performed, and unless the first part is performed the second part is not irrigated. That has been our argument. I hope we have successfully established it that the first part has not been performed and, therefore, we cannot look at the second part because it is necessary to have the first part performed.

Supposing, for argument, sake, the first part has been performed, then comes performance of the second part which, maybe on account of our weakness, maybe because we are pre-occupied, maybe because we never had experience in these matters, has been easily “translated”, by those who ought to know better, as meaning de-militarisation. We have never at any time, whether in Shri Gopalaswami Ayyangar’s time or anybody’s time, agreed to the de-militarisation of Kashmir. No sovereign nation will agree to demilitarisation of its own territory. And, on behalf of the Government of India, I would say—we are accused of passion in this matter; as the Prime Minister rightly said, it is not my passion, I only reflected the passion of the country in this matter—we would not agree to any tribunal however great, we would go down as a people rather than agree at any time to demilitarisation.

So there is no question of de-militarisation in this matter. There is another point in this first part. Apart from the withdrawal of these troops, it was said in the first part that it was incumbent on the other side not to create conditions which would create turbulence between us. So, when they carried on all this campaign with all their heart and when speeches were

made that they would invade us the *jehad*, they created that kind of conditions and they have broken the first part.

So unless Pakistan behaves like a civilised nation and not carry on a war of nerves a psychological war against us, continually pricking our frontiers and everywhere, as she has been doing, unless the first part is fulfilled—the first part was not fulfilled—and I make no reservation in this matter; the first part in regard to the resolution of 13th August remains imfulfilled and, what is more, it remains violated—the second part does not come into operation.

But even if the first part has been performed, the second part would require taking away, first of all, of the forces, the 32 battalions of the so-called Azad Army, Pakistan's regular army that have come in possibly after the conclusion of cease-fire, after the drafting of these agreements. It is only when they have been removed that other matters would come in.

Then, what is it that in the second part we have committed ourselves to? We said we would withdraw ourselves at certain points. I am sure I am not endangering the security of the country when I tell you that even today on the soil of Jammu and Kashmir, the number of Indian Armed Forces is at a level lower than permitted by the cease-fire agreement. That is the pacific approach that this country has made to this problem.

Supposing it was the case, even the second part has been performed, what do we say in the third part? We never said anything about a plebiscite in the third part. We simply said that we would discuss with the Pakistan Government certain methods, this, that and the other, and out of those methods were put on a kind of architectural plan in the 5th January resolution. It was not an offer of plebiscite. In fact, there are various documents, which you can obtain from the Ministry of External Affairs, where the United Nations itself has said that plebiscite is only one method of ascertaining the opinion. So the plebiscite which has by repetition become almost a

gospel, was not a commitment on our part. If it was a commitment, it required the satisfaction of three or four stages of conditions, which have not only been not fulfilled but have been violated by the action of a reverse kind.

So when we went to the UN., we agreed to this resolution in order to restrict the area of war, in order that the specific purpose of the United Nations may be promoted.

The second point we have to remember is this, that we have not taken a "Dispute" to the United Nations. There is no dispute, so far as we are concerned, about Kashmir. There is no more a dispute about Kashmir than there is a dispute about U.P. What is before the Security Council, under the terms of the Charter, is a "Situation" which is very different from a "Dispute". And what is more, the Security Council has not got the powers under the Charter to adjudicate in a legal dispute. That could become the function of the World Court if we agree to its jurisdiction. But no legal issues can be resolved at the Security Council under the terms of the Charter. Therefore, it is a dispute, it must be either to boundary dispute or a legal dispute. If it is a boundary dispute, it would have to be settled under the terms of a specific settlement where there must be agreement on both sides. Therefore, we have referred no dispute. We have referred a situation—I have forgotten the relevant clause of the Charter—which was inimical to the peace of the world, which was deteriorating the relations between two countries and which might lead to this, that and the other.

The third fact to be remembered is this. Perhaps the House would not feel very much moved it, but they are familiar with this phenomenon as well as other individuals at the United Nations. In all these years, we have been maligned up and down the world on many charges. We have been charged, with genocide; we have been charged, for example, with ill-treatment of the minorities—who are the majorities in Kashmir and what is more, we have been told that the Muslim populations of India—I hope the Muslim population, if they recog-

nise themselves as a separate identity, will take this into account—we have been charged with holding the Muslim population of India as a hostage in regard to Kashmir—a large hostage indeed, of 60 million. So, that is the third factor, that we should bear in mind.

The fourth is that it is quite true the resentment of this House and of this country as a whole in regard to the Security Council is understandable, that the Council is composed of 11 nations, most of the nations whose constitutions are founded in the ideas of truth and liberty, who have not thrown their weight on the side of resisting aggression.

Even as late as last year, the Secretary-General, when called upon in another connection to state the juridical position about the changes of sovereignty, said that no act of war could be permitted by the United Nations to change what is called the *status jurls*. That is to say; the State of Jammu and Kashmir is part of this country under the international law, under the terms of the Constitution in 1935 which was implemented at the time of partition, and what is more by the fact that the United Nations themselves have recognised in their resolutions on Jammu and Kashmir—When the question of Jammu and Kashmir was raised—that Jammu and Kashmir Government had no international status except inasmuch as they could be either related to us or to Pakistan—of course, it related to us. Therefore, this position having been recognised, there could be no question whatsoever of our surrendering any part of this territory, and that is why our position has been on the one hand consistent with the background of our country and the necessities of the world and on the other with the practical considerations of the situation.

We have told the Security Council that 40,000 to 42,000 sq. miles of our territory remain under external occupation. There is yet another thing that is not fully realised; they have been annexed by Pakistan, I believe, that clause 1 sub-clause (2) of their constitution legally from their point of view, and from our point of view illegally. They have been annexed

by Pakistan. We have not recognised and we will not recognise the fact that we have ceased to be sovereign over those territories. What is more, under our present Constitution, with the recent decision of the Supreme Court, no Government in this country except by an amendment of our Constitution, can alter the boundaries of Jammu and Kashmir, because they are part of our sovereign territory, and there can be no change of our national boundaries except by an amendment of our Constitution. So, it has been made very clear. Therefore, the excitement on the part of Shri Tariq about Mangla dam is natural, but, in my humble submission, unnecessary, because, no Government in this country—not that it wants to do so, but even if it wants to—can alter the boundaries; it is not possible except by a change in our Constitution.

Then, reference has been made to the fact that we are not taking enough care about it : what have we done to take our country back ? Questions have also been asked with regard to the present position. First of all, I would like to say that the present position is that on our sovereign territory, are two administrations : one is the civil administration of India functioning and the Government of the State of Jammu and Kashmir, indeed as any other State, and the other is the *de facto* administration which is inimical to the exercise of our sovereignty, the so-called Azad Government and certain principality governments presumably in these mountain States. This is the *de facto* position; and these are held apart not so much by physical forces as by voluntary agreement on our side. It should not be forgotten that India was the party which initiated these cease-fire negotiations. And that we negotiated at a time when, as some one has stated, there, was the prospect of armed victory. Rightly or wrongly, and I believe rightly, we took the view that victory by armed forces alone is not enough and it is necessary to proceed to a settlement. On either side of the cease-fire line are observers of the United Nations and it would not be proper for me to mention what I feel about the performance of the operations in so many cases. They are composed of many nations, and I regret to say that many of them belong to military alliances,

whose business it is to report on cease-fire violations. These violations are complained of by the Parties and, if you look at them, they will look like a score-board! That is to say, the aim appears to be—I speak subject to correction, because there is the risk of criticism, but this looks like a score-board—to even up. Actually, we made some hundreds of complaints—I forget the number now, I think it was 1,028—against Pakistan and they have made 870 complaints against us. But the score is always slightly tilted against us over the years. It looks like that. We will leave that alone.

This cease-fire line is not held by any armed forces but is held by observers and by a law that, in fact, operates against us, because we observe international law and very scrupulously, that is, within five miles of that line no armed forces can operate, with the result that when a raid is committed, we cannot do anything about it, because our uniformed men are precluded from going there which will violate that line. That is the position regarding the cease-fire line. Of course, I do not want to whine about the position and we are carrying on as best as we can.

Mr. Deputy-Speaker, the worst part of it is that during the last three years considerable acts of sabotage have taken place inside our territory and when I say territory I mean our administered territory, a very unfortunate word.

In a part of our administered territory, these acts of sabotage have happened. This was originally initiated by an ex-General called Akbhar Khan, but it so happens that we have an Institute of Armament studies. Arms research and what not, and there is no doubt whatsoever that the materials for these sets, the Personnel for this, the money for it, according to the investigations, have proved to come from Pakistan. It is an act of under-ground war or guerilla war against us. We might take the evidence of what cannot be called an authority inclined in our favour, the News Chronicle of London. It says :

"An unofficial cloak and dagger movement has been launched inside Indian Kashmir by fire-eating General Akbar Khan, a veteran of the 1948-49 Kashmir war days,

to counteract the internal distress and bolster up his own position...Thus, this tacit encouragement of subversive movements of General Akbar Khan suggests he intends to have Kashmir by fair means or by foul."

Then he goes on in various places to talk about taking these places by force, if need be. Our policy is based on friendship with our neighbours, whoever they might be, but equally it is based on resistance to aggression.

Now much has been said about our preparedness in this matter. We cannot shut up our minds, and indeed we did not, and we told the Security Council that on the other side of the Indo-Pakistan international frontier, not the cease-fire line but upon the other side of the Indo-Pakistan international line is not only the country of Pakistan but a member of a great military alliance. That is to say, it is like our war machinery in British days. This country's power at that time was not what was collected here but what was here and the British war office put together. Similarly, Pakistan stands in a greater military alliance and in view of the various conditions, I do not want to go into greater detail about it. It is said or thought that the change of Government in Pakistan has brought about or is bringing about some results. I hope it will. I think we may not forget these things, because we have to keep our power somewhat dry, even if we trust our neighbours.

This is what the General said when he was commanding an army, and he was not a pensioner. He said :

"I hope to have an army which is highly skilled and it is on that that the future of Pakistan will depend.....The American commitment was to give the Pakistan army the means to create certain units that would balance certain divisions. This programme has now been geared in. It is moving splendidly. Is is a limited programme."

It was "limited" two years ago and it is still "limited". Then he goes on to say this is a press report :

"General Ayub said that this was, for the first time,

that the exercises envisaging the use of tactical atomic weapons were being staged in Pakistan...Hitherto, the Pakistan Army's studies have been confined to studies of atomic warfare in the tactical field. To put our observations to a practical test, this exercise is being staged.' The conclusions and the technique of fighting in nuclear battle-fields would be evolved from this exercise. The exercise is being staged keeping in view the terrain in West Pakistan plains..."

This is the important part of it.

"The exercise is being staged keeping in view the terrain in West Pakistan plains where riverine obstacles..."

I said :

"There are no rivers on the other side in the way of obstacles."

That is, the whole idea is that all these things are in order to resist the Soviet Union but the riverine obstacles are on our side. I said :

"I do not have a copy of a map to circulate but you know where riverine obstacles are."

The report goes on to say :

"The battle has been developing during the past two months. Now, the climax is about to reach."

This has been the position two years ago. It is not my purpose to heat up any difficulties or to come in the way of any conciliatory processes that go on. Going back to this question of explosions inside, during the last three years there have been 229 cases of explosion in the territory of Jammu and Kashmir, on the whole working out at an average of 90 a year, that is to say, one in every four days. When I say explosions, at present they are not what may be called merely countrymade explosives of any kind but they have war materials in them.

Also, in the same period there have been infiltrations into our territory, first starting at just over a hundred going up to 211 in 1958, 152 in 1959 and 25 in the few months of this year, that is, the first two months of this year. Infiltrations mean not people who come because they are hungry. The infiltrators are international criminals who are penetrating our frontiers and who have been either arrested or rounded up and so on. But as circumstances obtain, we do not deal with all these people every time. They can be pushed back. They are pushed back. But these are the fellows who really try to do harm. So there is an act of incipient aggression against us going on all the time. This should be borne in mind and it should not lapse into the background of our thinking when we are talking of the territorial integrity of our land.

Now that takes us to the last of our positions. Government cannot accept the Resolution as it stands for the reasons I have stated and not because some technical positions cannot be found if we want to. There are technical difficulties, but they can probably be overcome. It may even be that the Security Council is tired of it. But suppose that you withdraw it from the Security Council, there is nothing to prevent the whole issue from going before the General Assembly. At the present moment it does not go before the General Assembly where it is possible to gear votes even more because it is tied up in the Security Council. Two organisations of the United Nations cannot debate the same question at the same time. Therefore it does not go in the way the more assumes. But if we were to withdraw this question from the Security Council, because we want to, certain consequences follow. We would have proclaimed to the world that now the Charter is no longer worth adhering to. That will be a grave decision to take.

Therefore it is not only Kashmir that is involved. It is the basis of our foreign policy, it is the basis of the world organisation and our whole approach to peace and world co-operation that are involved. Therefore whatever risks we may have in this matter—and there are no risks just because the

question is in the Security Council—the only eventually is that it is possible for Pakistan to bring it up now and then and have a debate. But there are no military risks just because the matter is in the Security Council. On the last occasion when this was brought up before the Council of Pakistan the risk was of foreign intrusion under the guise of importing "United Nations Emergency Force". It was sought to be proposed in the interests of Pakistan, by some of the western powers that a United Nations Emergency Force should go into the territory of Jammu and Kashmir. The Government's reply at that time in no uncertain terms and in extremely categorical ones was that we would not allow in any circumstances, foreign soldiers to tread on our soil, that is to say, we would not permit the bringing in—not only not permit we would resist and push them out—we would physically not permit anyone entering the territory where our administrative writ ran. If the idea was to bring them on the other side we may not be able to prevent it except by an act of war. But we would regard that as further violation of our sovereignty and with international support. Therefore, in 1958 I think it was, the Government of India very stoutly resisted the proposal for the sending of a United Nations Emergency Force for this purpose, which would have meant the sending of troops of certain countries acting as international soldiers—for what purpose, one does not know—because that would have been violation of our territory, and the Security Council was prevented from such action.

There is at the present moment no actual physical danger to us, but there is this question remaining unresolved but in the Council. From a moral and legal point of view there is much to be gained. Therefore, Government cannot agree at all to this resolution. Speaking for myself, it would be very wrong for me to say that it should not have been brought, because there are various parliamentary methods of raising issues. This is perhaps one of them. It is important that we should have this question in our minds, partly because of the Indian army on the soil of Kashmir, and much more so on account of the economic and democratic development that has gone on in the State of Jammu and Kashmir.

There is comparative quietude,¹ and the solution of the problem of Jammu and Kashmir will rest on the industrial and economic development of our land and the maintenance of our unity. That way, the political and social equilibrium will so shift that there will be no option for the people on the other side except to join their brethren on this side of the Ceasefire line.

Thus it would be better for us, it would be part of our policy that we do not attempt to do that by the violation of an agreement we have reached. We have told the Security Council that under international law every agreement that we have entered into, we shall carry out. But we shall not accept an agreement because somebody says we have accepted it. Secondly, we have also confirmed, we have pointed out that there are certain principles and doctrines of international law which have to be observed for example what is called *in dubius militius*. that is to say, if a treaty is entered into by two sides has to be interpreted, it has to be always interpreted liberally in favour of the person who carries the greater burdens in the implementing of it.

Therefore, in regard to all these matters a different view has to be taken. But it very much depends upon the determination of this country. We may not forget that not long ago—it is now getting on to thirteen years—this country, this part of India was invaded, invaded first by irregulars numbering about a quarter million, and for a few days a single battalion of the Indian army was responsible for checking the tide of invasion. And on the soil of Kashmir lie buried some of the best officers and men of our fighting forces. We owe a debt of gratitude to them, and, what is more, we owe a debt of obligation to see that there shall be no residing on our part—no back-sliding on our part in this matter.

Kashmir is a live issue with us, because it is part of our sovereign territory, not because it is a piece of land; it is part of our kinship, it is a sector of our people. What is more, the economic development of that territory,

the development of its resources; and apparatus of international conflict into the Asian Continent, is very much dependent upon our ability to maintain our hegemony over this strategic area.

Extract from the speech made by Mr. Chakravarty, representative of India in the General Assembly meeting 1141 held on 3rd October 1962.

Now I have also to talk a little about Kashmir. I very much regret that this matter has been brought up again so soon after the prolonged deliberations in the Security Council. Immediately after independence, Pakistan put economic pressure on Kashmir by cutting off essential supplies even after signing a standstill agreement. When that failed, armed invasion by tribal people from Pakistan followed. There was no talk then of self-determination. How can anyone take Pakistan's solicitude for self-determination for Kashmiris seriously when as late as December 1959, President Ayub said that :

"Kashmir is vital for Pakistan, not only politically but militarily as well. Kashmir is a matter of life and death to us."

What is Pakistan's right in Kashmir anyway? It is perhaps not known to many people that the partition of India that created Pakistan was confined to the old British India. The British Government made it clear that this partition was of British India and that it did not apply to those States, such as Kashmir and several hundred others, which were ruled by Indian Princes. These Indian Princes had entered into treaty relations with the British Crown which exercised suzerainty. The British Government took the view that, with the withdrawal of the British from British India, paramountcy lapsed.

The *status quo ante* having been restored, the Princes were given the right to accede to either Dominion and the founder of Pakistan, Mr. Jinnah, himself agreed that the ac-

cession should be decided only by the Prince ruling the State. This decision was incorporated in the Government of India Act of 1935 as amended by the Indian Independence Act of 1947, an Act of the British Parliament, which created the Dominions of India and Pakistan. None of the provisions of that Act can be questioned, least of all by India, Pakistan or the United Kingdom. In fact, that Act of the British Parliament has the same validity as an international treaty, as the provisions of the Act were the results of agreement between three Member States.

India went to the defence of Kashmir only when the Ruler of Kashmir acceded to the Dominion of India. After accession, Kashmir became an [integral part of India and it had not only the right but the obligation to defend it. It was India which brought the Kashmir case to the Security Council in 1948 requesting it to call upon Pakistan to put an end immediately to giving assistance to the tribal invaders coming across miles of Pakistan territory. When the Security Council took up the matter for consideration, the then Foreign Minister of Pakistan said that the Pakistan Government emphatically denied that they were giving aid and assistance to the so-called invaders or had committed any act of aggression against India.

When the United Nations Commission for India and Pakistan went to visit India and Pakistan, the truth could not be concealed any longer, and the same Foreign Minister had then to admit that not only were Pakistan nationals fighting in Kashmir but that regular units of the Pakistan Army were also fighting there. Pakistan thus came to Kashmir clearly as an aggressor since it had no other right to be there.

In accepting the United Nations resolutions of August 1948 and January 1949, Prime Minister of India made it quite clear that if Pakistan did not act upon these resolutions, by withdrawing its troops and tribesmen from Kashmir, the Government of India's acceptance of the resolutions should not be regarded as binding in any way. Despite this clear

reservation, Pakistan chose not to comply with those resolutions. These facts have been forgotten with the efflux of time and Pakistan is now talking about respect for law. Where was this respect for law when Pakistan illegally moved into the territories of Jammu and Kashmir by force? Why did not Pakistan comply with the United Nations resolutions promptly? They tried to stall then because they knew that the memories of arson, plunder and rape were still fresh with the Kashmiris and a plebiscite at that time would have been especially disastrous for them.

Now we come to this question of self-determination. We all know and we have all been talking about self-determination, which is, no doubt, a very good principle. But it ought to be applied to all those countries where by force of arms, by the vicissitudes of history, people are held under an alien Power. It is not, however, applicable to sections of a people. If the policy of self-determination were to apply to parts of constitutionally created States, most of them would be broken up. The plea of self-determination in a plural society could mean disruption. And may I add that most of the new States in Asia and Africa fall into this category. That is why, I venture to suggest, the United Nations is trying so hard to prevent the secession of Katanga on the plea of self-determination. Even the older States would not be safe. For example, must the United Kingdom allow self-determination to Wales and Scotland, France to Brittany, the United States to some of the Southern States, Canada to the French community or Belgium to the Walloons or to the Flemish population? Numerous other cases could be cited. If religion is the criterion for self-determination, are we to separate Catholics from Protestants in Europe and in America, or Muslims from Christians in the Near East or in Africa? Self-determination cannot be merely a process of disintegration or fragmentation. When self-determination is applied to minorities in a nation, after new minorities are created.

It is interesting that Prime Minister Suhrawardy of Pakistan declared in 1956 that the creation of Pakistan, despite the

presence of 9 million non-Muslims in the country, put an end to the two-nation theory on the basis of which Pakistan was created. He said: "All of us, Muslims and non-Muslims, are Pakistanis first and last." This illustrates that now either Pakistanis do not believe in the two-nation theory or that self-determination is not the right of a new minority.

Now, we do not wish in any way to interfere with the internal affairs of a neighbouring State, and I would take this opportunity to reiterate the policy of the Government of India, which is to seek all possible ways of making our relations with Pakistan not only friendly but truly neighbourly and paternal. I am glad to see that the same expressions were made by the Foreign Minister of Pakistan when he assured us: "We want to live in friendship with India, and we want to be friends with India, if only it can be done on honourable terms. Yes, he raised these issues. And may I crave your indulgence, Mr. President, to draw the attention of the Assembly to certain facts relevant thereto? Did Pakistan permit the people of the Princely States in Pakistan to exercise the right of self-determination after their Ruler had acceded to Pakistan? As was disclosed in the West Pakistan High Court a few years ago, the accession of Bahawalpur had been forced on the Ruler of that State. The Khan of Kalat revolted against accession and was arrested and detained in 1958. In neither case was the principle of self-determination applied. When Pakistan purchased the territory of Gwadar from the Sultan of Muscat, what happened to Pakistan's solicitous regard for people's right to self-determination? No opportunity was given to the people of Gwadar to say whether in the second half of this, the twentieth century, they wished to be bought like chattel. Is Pakistan prepared to grant the right of self-determination to the Pakhtoons?

Self-determination is a democratic process. There has not been a single general election in Pakistan itself since its creation in 1947, even on the comparatively limited franchise which was obtaining in the British days. The President of Pakistan has repeatedly said that the people of Pakistan are

not fit to exercise such democratic rights, and after fourteen years of independence the people are now being educated in basic democracy. It is gratifying to find that Pakistan considers Kashmiris to be fitter for the democratic right of self-determination though its own citizens are not yet considered fit for such democratic self-expression, even though they had experience of it in the British days.

It is indeed a sad comment by on Pakistan that, during these fourteen years, the Pakistanis have forgotten what they had learned in British days, while Kashmir during the same period has learned to practise democracy, though Kashmir had none of it in the pre-independence time. Pakistan having blocked a plebiscite, the people of Kashmir framed their own Constitution through a Constituent Assembly elected on a universal adult franchise and ratified the Ruler's accession. This is certainly a much more widespread exercise of democratic rights than has ever been practised in Pakistan.

The solicitude of Pakistan for the self-determination of Kashmiris might have been much more appreciated had self-determination been practised by Pakistan in regard to territories under its own control. It is indeed ironic that a Government that has denied the democratic rights of universal and direct suffrage to its own people, a Government that says that democracy is not suited for the genius of its own people, should advocate self-determination for the people of a neighbouring country which has had elections on a universal adult franchise at least three times since its independence.

One may well ask why Pakistan, if it sincerely believes in the principle of self-determination, had to invade the States in the first place. The demand for the self-determination of Sudeten Germans was followed by an attack on Czechoslovakia. Pakistan chose to follow the reverse procedure: only when aggression in Kashmir failed did Pakistan become a champion of self-determination for the Kashmiris.

Extract from the speech made by Mr. Ali, representative of Pakistan in the General Assembly meeting No. 1151 held on 12th October 1962.

Now as regards Kashmir I am surprised that the representative of India should have exhibited a pronounced type of allergy to the principle of self-determination which I had mentioned in my statement. My surprise would have been greater and more painful if it were not a fact that, in the case of some other major international issues also which have been before the Assembly at one time or another during the last several years, the Indian delegation has been fighting shy of any reference to this principle. These issues, incidentally, are those which were wisely and happily resolved on the basis of this principle alone.

The representative of India quotes a statement of the President of Pakistan to the effect that Kashmir is a matter of life and death to Pakistan and then asks the question: "How can anyone take Pakistan's solicitude for the self-determination of Kashmir seriously in the light of that statement?" If his question is honest and not merely rhetorical I shall give him a straight answer. It is true that Pakistan has an enormous stake in Kashmir. It is true that our integrity and security are both seriously involved in Kashmir. We have never tried to conceal or minimize that fact. Nevertheless, we have said and we say now that regardless of our involvement in Kashmir, regardless of our historical, geographical, economic, cultural and human links with Kashmir, regardless of the fact that Kashmir should belong to Pakistan according to the self-same principles of partition to which both India and Pakistan owe their emergence as sovereign States, we shall accept the will of the people of Kashmir themselves, freely and impartially ascertained, with regard to the accession of their State to India or to Pakistan. We shall accept their verdict, whatever it may be, if it is their free verdict and if it is obtained without coercion or intimidation. That, I may inform the representative of India, is what we mean by demanding that the people of Kashmir should be given the opportunity to

exercise their inherent right of self-determination. I may assure him that Pakistan has no intention of abating or abandoning this demand.

The representative of India has advanced certain contentions with regard to Kashmir. Shorn of rhetoric, his argument seems to be: (a) that the right to accede to either India or Pakistan was a right to be exercised by the Prince—that is, the feudal ruler—of a State, and not by its people; (b) that the accession of States had nothing to do with the principle according to which contiguous Muslim—majority areas were included in Pakistan and contiguous Hindu—majority areas were included in India; (c) that Pakistan impeded or blocked the holding of a plebiscite in Kashmir, at first because at that time—in the words of the representative of India —“a plebiscite would have been especially disastrous for Pakistan”; (d) that Pakistan had not carried out its part of the obligation jointly undertaken by India and Pakistan under the resolutions adopted by the United Nations Commission for India and Pakistan in August 1948 and January 1949.

It is only fair to the representative of India that I should meet each of his arguments directly.

As regards the first argument—whether the accession of a territory ruled by a Maharaja to either India or Pakistan was to be decided by the Maharaja or by the people—what does the representative of India say about the solemn affirmation of policy made at the time by the Government of India itself? Let him remind himself of what the Government of India said in its White Paper issued on 10 August 1948 :

“The Government of India are firmly of the view that, whatever sovereign rights reverted to the States on the lapse of the Paramountcy, they vest in the people, and conditions must be created in every State for a free and unfettered exercise of these rights.”

Again, the Indian representative to the Security Council said the following at the two hundred and sixty-fourth meeting of the Council :

"No doubt the Ruler, as the head of State, has to take action in respect of accession. When he and his people are in agreement as to the Dominion to which they should accede, he applies for accession to that Dominion. However, when he takes one view and his people take another view, the wishes of the people have to be ascertained. When so ascertained, the Ruler has to take action in accordance with the verdict of the people. That is our position."

Now, that statement had been preceded by the following declaration of the position of the Government of India made at the 227th meeting of the Security Council, when the Kashmir question was first brought before it :

"The question of the future status of Kashmir vis-a-vis her neighbours and the world at large, and a further question, namely, whether she should withdraw from her accession to India, and either accede to Pakistan or remain independent, with a right to claim admission as a Member of the United Nations—all this we have recognized to be a matter for unfettered decision by the people of Kashmir, after normal life is restored to them."

That these were not stray pronouncements but the expression of a policy proclaimed by the Government of India is apparent from numerous statements which are public record and of which the following statement made by the Prime Minister of India on 2 November 1947 is an example :

"We are anxious not to finalize anything in a moment of crisis and without the fullest opportunity to be given to the people of Kashmir to have their say. It is for them ultimately to decide. And let me make it clear that it

has been our policy all along that where there is a dispute about the accession of a State to either Dominion the accession must be made by the people of that State. It is in accordance with this policy that we have added a proviso to the Instrument of accession of Kashmir."

In the light of those unequivocal pronouncements of his own Government, does the representative of India still have the audacity to use his own epithet—to maintain that it was for the feudal Maharaja alone to decide the destiny of the 4 million people of Kashmir?

As regards the second argument of the representative of India—that the accession of Princely States to India or Pakistan was unrelated to the principle of partition of British India—what is anyone to make of the following protest made by the Government of India against the accession of the Princely State of Junagadh to Pakistan? This protest was lodged in a telegram from the Governor-General of India to the Governor-General of Pakistan on 22 September 1947, and I quote from it as follows :

"Pakistan Government have unilaterally proceeded to action which, it was made plain, Government of India could never and do not acquiesce in. Such acceptance of accession by Pakistan cannot but be regarded by the Government of India as an encroachment on India's sovereignty and territory and inconsistent with friendly relations that should exist between the two Dominions. This action of Pakistan is considered by the Government of India to be a clear attempt to cause disruption in the integrity of India by extending the influence and boundaries of Dominion of Pakistan, in utter violation of the principles on which partition was agreed upon and effected. The possibility of Junagadu's accession to Pakistan Dominion, in the teeth of opposition from its Hindu population of over 80 per cent"—and I stress the words "in the teeth of opposition from its Hindu popula-

tion of over 80 per cent"—"has given rise to serious concern and apprehension to local population and all surrounding States which have acceded to Indian Dominion."

Let me repeat the words of the Government of India—"in utter violation of the principles on which partition was agreed upon and effected" and "in the teeth of opposition from its Hindu population of over 80 per cent". Applied to the case of Kashmir, these quotations imply an answer to the question of the representative of India, namely, what is Pakistan's right in Kashmir, anyway? In the very words of the Government of India, Pakistan could never and does not acquiesce in the so-called accession of Kashmir to India, an act "in utter violation of the principles on which partition was agreed upon and effected" and "in the teeth of opposition" from the State's Muslim "population of 80 per cent".

As regards the third argument, that Pakistan at first impeded or blocked the holding of a plebiscite in Kashmir because at that time it would have been disastrous to Pakistan, I wonder whether the representative of India would, on calmer reflection, advance that argument seriously. If so, then it would mean that, by the same token, India is blocking the plebiscite now because it would now be disastrous for India. Does he mean that, after fourteen years of the experience of Indian rule, the people of Kashmir are so surely oppressed by it and so utterly weary of it that they would now vote for accession to Pakistan? Let him answer that question, and not be too much bothered by the verifiable fact that at no point of time, at no stage of the dispute, did Pakistan block the holding of a plebiscite in Kashmir. Indeed, not a single episode of these fourteen years can be cited which would show that Pakistan ever weakened or equivocated in demanding that the solution of the Kashmir problem must be according to the wishes of the people of Kashmir themselves.

This argument of the representative of India is linked with his allegation that Pakistan has not carried out its part of

the obligation jointly undertaken by India and Pakistan under the Commission resolutions of August 1948 and January 1949. If the Indian representative is serious in making this allegation, why is it that India is not prepared to submit it to impartial scrutiny? Why is it that no United Nations representative has ever said that Pakistan has been in default in fulfilling its obligations? Why is it that, when the Security Council suggested that the interpretation and execution of the obligations of the parties and the status of their fulfilment be submitted for an advisory opinion by the International Court of Justice, India rejected that suggestion? Why is it that when Ambassador Jarring of Sweden, then President of the Security Council, proposed that the facts of the implementation, or otherwise, by either party of its obligations be determined impartially, India rejected the proposal? If India is serious and honest in its allegations, why is it not prepared to submit the question to arbitration by any impartial individual or agency?

I cannot do better here than to quote the statement made by the permanent representative of Pakistan at the 108th meeting of the Security Council :

"Pakistan is quite agreeable to any method that may be suggested of (a), determining the obligations of the parties under the UNCIP resolutions; (b), determining up progress on implementation; (c), determining whether either of the parties is in default with regard to the fulfilment of its obligations, and (d), what needs to be done by either side to move the matter forward towards implementation.

"If a determination of (c) above, that is to say, whether either of the parties is in default with regard to the fulfilment of its obligations, should disclose that Pakistan is in default in any of these respects, the default would be rectified through the speediest method at the earliest possible moment, so that the way be opened toward full implementation of the resolutions. This is an undertak-

ing that I submit to the Security Council on behalf of the Pakistan Government. I do trust and hope that India would be prepared to agree to the same."

Let me assure the representative of India that Pakistan adheres to this undertaking and hope that India will have the courage to meet its challenge.

Lastly, about Kashmir, may I remind the representative of India that the question of self-determination involved in the Kashmir problem is not the self-determination of a section of any country or a minority. Kashmir is not yet a section of any country, nor a minority in any country. The right of self-determination of the people of Kashmir had been accepted and recognized by both India and Pakistan and by the United Nations. This acceptance and recognition is embodied in the Commission resolution of 5 January 1949, and there can be no confusion or misunderstanding of its meaning. Paragraph 1 of that resolution reads :

"The question of the accession of the State of Jammu and Kashmir to India or Pakistan will be decided through the democratic method of a free and impartial plebiscite."

No analysis of the principle of self-determination and no attempt to shirk it can help India to escape the solemn obligation that this resolution, having been accepted by both India and Pakistan and thus constituting an international agreement, imposes, on India as a State Member of the United Nations. This obligation, indeed, is aptly stated in the declaration of the Prime Minister of India made on 2 November 1947 :

"We have declared that the fate of Kashmir is ultimately to be decided by the people. That pledge we have given not only to the people of Kashmir but to the world. We will not and cannot back out of it."

Is the representative of India now trying to convince the Assembly that India is capable of backing out of this pledge ?

Extract from the speech made by Mr. Chakravarty representative of India in the General Assembly meeting No. 1153 held on 15th October 1962.

Coming now to the question of *Kashmir*, again the Foreign Minister summarized my arguments but evaded a straight answer. Does he challenge my statement that the British Government made it clear that the partition was of British India and that it did not apply to those States ruled by Indian princes? No. Does he challenge my statement that both India and Pakistan, as also the United Kingdom, were partners to the decision that accession should be decided only by the princes ruling the State? No. He was not able to challenge my statement that the right to accede to either India or Pakistan was the right to be exercised by the princes; that the accession of a State had nothing to do with the principle on which British India was partitioned. He did not answer my question whether Pakistan would grant the right of self-determination to the people of the States whose rulers acceded to Pakistan. Does he question the legality of those accessions? He did not answer my question why Pakistan, if it believes in the principle of self-determination, had to invade the State of Kashmir in the first place. These are indeed inconvenient questions—best to be evaded.

While he evaded answers to my questions, I shall not evade an answer to his question whether I have the audacity, as he says, to maintain that it was for the feudal Maharaja alone to decide the destiny of the 4 million people of Kashmir. My answer is categorical and straight. Yes, that indeed was the decision and, what is more, a decision to which both Pakistan and India, as also the United Kingdom, were parties. That was the principle followed in the case of some 600 princely States which acceded either to India or to Pakistan. That the accession is not related to the principle of partition of British India is clear from the British Government's announcement of 3 June 1947, which said :

“His Majesty's Government wish to make it clear that the decisions announced [about partition]...relate

only to British India and that their policy towards Indian States contained in the Cabinet Mission's Memorandum of 12th May, 1946, remains unchanged."

The Cabinet Mission's memorandum reads as follows :

"His Majesty's Government will cease to exercise the powers of paramountcy. This means that the rights ...which flow from their relationship to the Crown will no longer exist and that all the rights surrendered by the States to the paramount power will return to the States. Political arrangements between the State on the one side and the British Crown...will thus be brought to an end. The void will have to be filled either by the States entering into a federal relationship with the success or Government or Government in British India, or failing this, enter into particular political arrangements with it or them."

Extract from the speech made by Mr. Cheema representative of Pakistan in the General Assembly meeting No. 1153 held on 15th October 1962.

Mr. CHEEMA (Pakistan): If was not my intention to ask for the floor this afternoon, but the Permanent Representative of India has again seen fit to throw out a challenge on several issues which makes it incumbent on my delegation to exercise its right of reply.

The Indian representative made several allegations, particularly of misquoting and quoting out of context, of ignorance of our own legislation of flirting with China and so on and so forth. He has also been pleased to say that both India and Pakistan should be ashamed of what has transpired during the past seven years. I should like to make it clear that, so far as Pakistan is concerned, it has nothing to be ashamed of, and has no need to be apologetic about anything it has done. In fact, India has a lot to be ashamed of, if India only bears in mind the classical mockery of a seven-year-long trial of Sheikh Abdullah, the accredited leader of the people of Kashmir, punctuated by offers of premiership, if India only bears in mind the treatment of minorities, particularly of

Muslims, the systematic and pre-planned communal riots, at times under minor pretexts such as the slaughter of a cow, if India only, bears in mind the treatment which it has meted out to the Nagas, if India only bears in mind what it is doing with its lofty claims to secularism with its grandiose claim of non-violence, and yet at the same time preaching that it is a secular State, giving equal rights to all citizens.

I am afraid that there seems to be a basic misconception about Islam, not only in the mind of the Indian representative, but also in the minds of some other people. I would like to submit that Islam is not a matter of private rites or ritual, it is a way of living, it is a comprehensive scheme of life, it is a political and a social movement. Islam is the ideology on which the constitution of Pakistan is based. We are not ashamed of it, and we are not hypocritical about it. We preach what we practice and we practice what we preach, unlike India, which is more hypocritical in its preaching and in its profession than it is in actual exercise and implementation.

It is very difficult for me at the moment to give a comprehensive reply on each and every issue raised by the Indian representative, and I would therefore request that my delegation be given the right of a detailed reply on some future occasion.

Statement of the Prime Minister Jawahar Lal Nehru in Lok Sabha on proposed talk between India and Pakistan on Kashmir, on Nov. 30, 1962.

Sir, as the House is aware, we have recently had visits from Mr. Duncan Sandys, Minister of Commonwealth Relations in the United Kingdom, and Mr. Averell Harriman, Assistant, Secretary of State in the United State. We had long discussions with them about the Chinese invasion of India and our need for various kinds of equipment to meet this attack on our country. I am glad to say that these discussions were fruitful and we hope to get much of the equipment required from the United States and the United Kingdom as well as some other friendly countries. I am grateful to these countries for the help they are giving us in this crisis that we have to face.

In the course of my talks with Mr. Duncan Sandys and Mr. Harriman the question of our relations with Pakistan was raised. I told them that it had always been our policy to have friendly and cooperative relations with Pakistan because this seemed to us essential not only because of geography, but because our joint history, culture, language and the many bonds that had arisen between us during the long years. We had always aimed at that and we are sure that this is only proper relationship that should subsist between two neighbouring countries and peoples which have had such close bonds in the past. The question of Kashmir was referred to and we explained to them our position in regard to it and pointed out that anything that involved an upset of the present arrangement would be very harmful to the people of Kashmir as well as to the future relations of India and Pakistan. We were, however, always ready to discuss this, as other matters, with representatives of the Pakistan Government at any level desired. In fact, we had suggested meetings at various levels in the course of the last few months, but no positive response had come from them.

Mr. Sandys and Mr. Harriman appreciated our position, but still suggested that a friendly discussion about these matters between India and Pakistan might be helpful. I was agreeable to this, as indeed we have been ourselves suggesting some such meeting for sometime past. I explained to them again, however our basic principles and how it was not possible for us to bypass or ignore them.

Mr. Sandys thereafter went to Pakistan and came back yesterday after consultation with President Ayub Khan suggesting that a joint statement should be issued on behalf of both the Governments stating that a renewed effort should be made to resolve the outstanding differences so as to enable India and Pakistan to live side by side in peace and friendship, further stating that discussions should be started at an early date initially at the ministerial level and later at an appropriate stage directly between the Heads of Governments. We suggested some variations in the draft joint statement. These were

largely agreed to. Ultimately, the following joint statement was issued on behalf of the Governments of India and Pakistan :

"The President of Pakistan and the Prime Minister of India have agreed that a renewed effort should be made to resolve the outstanding differences between their two countries on Kashmir and other related matters, so as to enable India and Pakistan to live side by side in peace and friendship.

In consequence, they have decided to start discussions at an early date with the object of reaching an honourable and equitable settlement.

These will be conducted initially at the ministerial level. At the appropriate stage direct talks will be held between Mr. Nehru and President Ayub."

Statement of the Prime Minister Jawaharlal Nehru on Indo-Pakistan talks on Kashmir in Lok Sabha 13 August 1963.

On the 7th of May last I made a statement in this House in which I referred to the joint talks on Kashmir and other related matters between India and Pakistan which had then still not concluded.

These talks originated from a joint statement which the Pakistan and I issued on November 29, 1962, announcing our agreement to make a renewed effort to resolve the outstanding differences between India and Pakistan on Kashmir and other related matters, so as to enable the two countries to live side by side in peace and friendship. On the 30th November I made a statement in the House in regard to this joint statement and referred to the discussions which I had had with Mr. Duncan Sandys, Minister for Commonwealth Relations of the U.K. and Mr. Averell Harriman, Assistant Secretary of State of the United States.

In pursuance of the joint statement our delegation led by Sardar Swaran Singh, Minister of Railways, participated in six rounds of talks. In all these six talks, spread over nearly five

months, Pakistan showed no readiness to discuss anything apart from Kashmir.

As I have stated on many occasions previously, it has always been, and continues to be, India's policy to seek friendly and cooperative relations with Pakistan. The lack of such friendly and cooperative relations between the two countries would not only be unfortunate but would do violence to the long standing ties of geography, history and culture between the two countries. We are convinced that the only proper course for the two countries to adopt is to develop cooperative and friendly relations and live as good neighbours. In the larger interest of the two countries, we have been anxious to bring about a settlement of all Indo-Pakistan differences, including Kashmir, on a rational and realistic basis./It was in this spirit that we agreed to have joint talks but, as the House is aware, in spite of every effort made by Sardar Swaran Singh to arrive at an equitable and honourable settlement, these talks ended in failure.

From the very beginning, the Pakistan Government took various steps which came in the way of a settlement. On the eve of the first round of talks in Rawalpindi, Pakistan announced its so-called "agreement in principle" with China on Kashmir's border with Sinkiang. The timing of this statement was apparently intended to provoke India to refuse to start the talks the next morning. We felt that this was a bad augury for the future for the talks. Nevertheless, because of our earnest desire to arrive at some settlement, we decided to continue with the talks.

During the first plenary meeting, the Pakistan representative expressed his disinclination to discuss any of the Indo-Pakistan differences other than the Kashmir question which, he insisted, must be settled first. Sardar Swaran Singh in his opening speech listed various subjects which required to be discussed. But Mr. Bhutto insisted on confining himself to Kashmir only. Even on Kashmir, because of Pakistan's insistence, considerable time was spent in friendly but futile discussions on the old idea of plebiscite which, chiefly because of Pakistan's own acts of obstruction and non-implementation of the U.N. Commission's

resolutions, had already proved to be impracticable, particularly in the light of irreversibly changed conditions in the last fifteen years.

This was followed by the signing of the Sino-Pakistan agreement under which Pakistan gave away as much as about two thousand square miles of our territory to China. The fact that this was done in the course of our talks indicated how little importance Pakistan attached to our talks. It was extraordinary that while these talks were taking place, Pakistan was busy handing over a large part of our territory to China which had invaded our country. The object apparently was to present us with a *fait accompli* in one part of our territory of Jammu and Kashmir while keeping her hands free to negotiate for the remaining part of the State. We might have been justified in not proceeding with the talks at this stage. Nevertheless, we proceeded with them after recording our strong protest.

The Rawalpindi talks, despite Pakistan's preliminary agreement with China, had ended with the leaders of the two delegations issuing an appeal for moderation in mutual criticism the joint appeal had hardly been made by the leaders of the two delegations in December when Pakistan launched an unprecedented campaign of vilification against India not only in Pakistan, but also in the capitals of Europe through their responsible officers. Thus it appeared clearly from the beginning that Pakistan was interested not so much in a settlement of outstanding differences or even of the Kashmir problem, but only in making political capital out of the situation created by Chinese aggression against India.

When the Pakistan delegation shifted from a futile discussion of plebiscite to the consideration of a possible political settlement, they began to put forward astonishing proposals. Pakistan claimed the catchment areas and the water-sheds of the three Western rivers, the Chenab, the Jhelum and the Indus, in Jammu and Kashmir on the ground that these rivers had been allotted to Pakistan under the Indus Waters Treaty. Our dele-

gation pointed out that the Indus Waters Treaty protected Pakistan's interests fully and gave her no ground to claim any territory in Jammu and Kashmir on the basis of the use and development of waters. If every lower riparian claimed the territory of the upper riparian on the pretext of its water requirements, the maps of many countries in the world would have to be drastically revised. By that argument, the lower riparian might even claim Tibet because the Indus and the Brahmaputra start in Tibet. No less absurd was another of Pakistan's claims to Jammu and Kashmir namely, that they must have the State to protect their Grand Trunk Road and their railway line, the security of which, our delegation was told was essential to ensure, what Pakistan called, its "defence in depth". Finally, Pakistan claimed Kashmir on the basis of its Muslim majority. This was a vicious communal approach repugnant to the entire spirit animating our national struggle for independence, and contrary to our Constitution and to our whole attitude to the problem of relationship between the State and the individual.

Pakistan's objective was obviously not a rational and realistic solution of the problem. They were just out to claim the entire State of Jammu and Kashmir, leaving to India, as it happened, in a forgotten moment of generosity, an insignificant area in the extreme south, roughly coinciding with the district of Kathua. Even more astonishing was the offer, obviously induced by their awareness of India's need for the defence of Ladakh against China, that Pakistan would be willing to agree to an interim arrangement in the Valley for a period of six months or a year, to enable India to deal with the Chinese. All that this could mean was that India might continue to commit its men and resources for the defence of Ladakh against the Chinese threat, but that once its effort and sacrifices had liberated Ladakh, India should abandon the State in favour of Pakistan. Another proposal was the so-called internationalisation of the Valley, again for a period of six months followed by some method of ascertaining the wishes of the people. This was the old and discarded idea of a plebiscite, without Pakistan having

to implement the conditions laid down in the UNCIP Resolutions.

Faced with this deadlock, when a breakdown to the talks seemed inevitable on the last day, our delegation again offered a No-War agreement, together with a practical and immediate disengagement of troops, thus hoping to reassure our neighbour that our efforts to strengthen our defence against the Chinese aggression constituted no threat to Pakistan. A No-War agreement, we said, could include a specific undertaking that the two countries should continue to seek peaceful solutions of the problem, because we did not want the problem frozen. Such an agreement could be registered with the United Nations to give it an international backing. Pakistan rejected this offer. Their delegation also refused to agree to remit the matter to the two Governments for a review and for considering other appropriate steps towards a peaceful settlement. Thus, Pakistan achieved what it had aimed at from the very beginning, that is, a non-settlement and a deadlock on every-thing that should have been covered by the phrase "Kashmir and other related matters". This is where the Ministerial level talks with Pakistan ended.

In the early part of May, Mr. Dean Rusk, U.S. Secretary of State, and Mr. Duncan Sandys paid a visit to Delhi. In the course of discussions, the question of Kashmir came up again. We assured them of our earnest desire to have a settlement provided this was fair and equitable. As an earnest of this desire of ours, we said that we would be prepared to have the good offices of a mutually accepted personality, even through previously we had declined a similar proposal. Pakistan, however, continued to make quite impossible demands. In the first week of June, the President of Pakistan said at Sargodha that no useful purpose would be served by the adoption of such procedure. Other Pakistan spokesmen have been suggesting impossible terms of reference. They wanted a time-limit, suspension of arms supply to India during this period, etc.

We used to be told by many friends, even by leaders in Pakistan, that a settlement of the Kashmir issue was essential in

the interest of joint defence of the two countries. At one time, Pakistan made a grievance of the fact that while she was offering joint defence to us, we were not willing to accept it. That the proposal of joint defence was no more than a propaganda stunt, has now been made perfectly clear by the statements of Pakistan leaders. They have publicly declared that even if the Kashmir issue was settled amicably, Pakistan will not go either to the defence of India against China or change her friendly relations with Peking. On July 14th last, Mr. Bhutto is reported to have said in the Pakistan National Assembly that an "attack from India on Pakistan today is no longer confined to the security and territorial integrity of Pakistan", but "involves the territorial integrity and security of the largest State in Asia". He also said that if India were to turn her guns against Pakistan, the latter would not be alone in that conflict. He was obviously referring to China. The fact that India has no intention whatever of threatening the security of Pakistan or of turning any guns towards her, was ignored and the repeated offers of a No-War pact were forgotten. Pakistan today has only one object, and that is to malign India and to damage us in every way. They do not want to see us strong enough to stand up to China, They would like us to remain weak and helpless against the Chinese threat. They do not like to be told that the arms aid to India has nothing to do with Kashmir.

We have made it clear that while we are, and shall continue to be, anxious as ever on a settlement of our problems with Pakistan, based on rational and realistic considerations, there is no question of our considering any proposals for internationalising or division of the Valley, or joint control of Kashmir, and the like. If and when a settlement is arrived at, it must obviously be a peaceful one, not affecting the stability and progress already achieved, and must strengthen the friendship between the peoples of India and Pakistan. Without this, no settlement has any meaning.

During the talks, India not only exercised great patience and restraint, but also offered generous concessions, though in vain, in the hope of winning Pakistan's friendship and opening a

new chapter of fruitful cooperation between the two countries. While we continue to cherish this hope there is little possibility of a settlement so long as Pakistan persists in its irrational animus against India. The concessions which we offered to Pakistan are no longer open, and they must be treated as withdrawn. We do not wish our generosity and sincere desire for friendly relations with our neighbour to be treated by its Government as a jumping off ground for further claims. While the break in the talks is a matter of deep regret, we have to accept the facts, and we must wait for a more opportune moment for a settlement of all our differences with Pakistan.

Field Marshal Mohammad Ayub Khan, President of Pakistan's Broadcast to the Nation in 1964.

My dear countrymen, Assalamo-Alaikum.

On your behalf, as well as on mine, I should like to convey to the people of India our sincere condolence on their recent bereavement and great national loss. We share the grief which they feel over the death of their Prime Minister, Pandit Jawaharlal Nehru, and have sympathy for them.

An event like this should be an occasion for a searching of the heart by all those ordained by God to be in charge of human affairs. Those placed in position of authority, or control over human destiny, carry a grave responsibility on their shoulders. They have the opportunity and the power to do immense good or incalculable harm. The consequences are not confined to their own nation but extend to others. For the nations of the world are now so closely inter-linked that the affairs of one have repercussions on the fate of others.

We wish India well in her hour of sorrow. And we extend a warm hand of friendship to the people of India across our borders. Now may be the occasion for both sides, in particular, for the new leadership in India, to have a fresh look at our relationship. On our part, we shall respond to any sincere move for the improvement of Indo-Pakistan relations.

The bitterness and recriminations, which have gone on for nearly seventeen years between us, have done on good to either side. They have only caused human misery and sufferings, apart from incalculable loss in material terms.

Hatred and anger fan the fires of Hell in human minds. Why not put them out? And why allow immense suffering and misery to be caused to fellow human beings? It is much nobler and more conducive to one's own happiness, to live on terms of friendliness and good neighbourliness with others.

India and Pakistan are neighbours, for better or worse. Why let it be for the worse? Why not try the alternative of living together for the better?

We both have within our countries more than one community professing different faiths. They could hate and fight one another. They could also, with a little self-control, learn to be tolerant of one another. This is not something beyond human capacity. For any civilized and organised society the way to greatness with honour lies in forbearance and discipline.

There are undoubtedly some differences between our countries. It would not be realistic, nor conducive to good results, if we were to ignore them. What is required is change of heart. Look at the history of some European countries who until recently were the worst enemies of one another. And think of the human suffering their enmity led to—not only for themselves but for the world as a whole. Yet today they are organizing themselves into a community of close and friendly neighbours. Instead of trying to destroy themselves, they are helping and strengthening one another. The material advantage for which most of the wars took place fruitlessly, have now been gained by them by composing their differences and by forgetting the decades of past hatred. Those little bits of territory for which they fought with such grievous losses no longer seem to matter to them. The differences and disputes which looked so intractable and insoluble have vanished as if by a magic wand. That magic wand was nothing but a change

of heart. Hatred and enmity were replaced by friendship and good neighbourliness. And the gains them are incalculable.

It should be easier for India and Pakistan to resolve their differences because both need peace and security to develop their countries and improve the lot of their teeming millions. Herein lies our future, and not in preparing for war with each other which is such a waste of human and economic resources, even if no war takes place.

The major irritant in Indo-Pakistan relations is the Kashmir dispute. Everyone knows that the dispute exists. It cannot be just wished away. It would be more realistic and statesmanlike to face it and resolve it. It has been festering our relations far too long.

It is vital to settle this issue on an equitable basis and without any delay, for the people of Kashmir, who are rightly agitated, will not wait indefinitely.

The eyes of the world are on us. And if we can come to a sensible settlement, we shall have made a historic contribution to world peace. And its effect will be electric, not only in international councils and affairs, but also on the minds of our own people.

We must get rid of the morbid fear that any settlement of this dispute will jeopardise the position of minorities. On the contrary, I believe that the Kashmir dispute is responsible for agitating communal passions. It requires courage and statesmanship to cut this gordian knot. The good it will do will far outweigh the loss, if any. It will give the minorities on each side a breath of relief and feeling of reassurance. No organised or civilised Government can treat a large section of its population as hostages. To my mind it is not beyond human ingenuity to be able to work out an arrangement whereby the position of the minorities can be fully secured and safeguarded.

The Muslim minority in India, which belonged to that country at the time of partition, placed its trust in the good

sense and decency of the majority community. Given the chance, it could be of great strength and benefit to India. No person who considers the situation coolly and justly can believe that the Indian Muslims constitute any threat to the security of India. That country has been well served by Muslims whom she gave a chance to do so.

A welcome visit last month was that Sheikh Abdullah. It was unfortunately cut short by the sudden death of Pandit Jawaharlal Nehru. I was deeply impressed by Sheikh Abdullah's sincerity and determination to see the Kashmir dispute resolved in a manner which would not harm Pakistan's vital interests, and to bring about happier relations between India and Pakistan in this context. He realises that the people of Kashmir are most unhappy with their present lot, and that without a settlement of the Kashmir dispute there can be no resolution of the differences between India and Pakistan. He also feels strongly that the lot of the Indian Muslims cannot improve unless there is communal harmony within each country and friendship between the two countries.

I agree with him. Apart from human considerations, the moral and international stature and strength of India depend on having an understanding with Pakistan. Material advantages are also bound to accrue. To mention only one, the crushing military budget, expected in the case of India to rise beyond 900 crore rupees annually, could be reduced by half immediately.

Speech of the Foreign Minister of Pakistan in Commonwealth Prime Ministers' Conference of 1966.

Since the Commonwealth Prime Ministers' meeting in London in June last year, the world political situation has become grave and is a cause of great anxiety to all of us. While there is evidence that the confrontation between the East and the West in Europe is gradually being replaced by a desire to co-exist, and a new pattern is emerging in their relationship, the same is, unfortunately, not true of the situation in Asia. Indeed, the areas of tension in the world now seem to have shifted to Asia, and pose the gravest threat to world peace.

Pakistan itself has passed through a period of crisis during the past year. It will be recalled that some incidents took place between India and Pakistan in the Rann of Kutch in May 1965. Thanks, however, to the mediatory efforts and good offices of Her Majesty's Government, Pakistan and India succeeded in evolving a self-operating arrangement for determination of the dispute through an international tribunal.

Notwithstanding the progress that had been made in peaceful resolution of the dispute over the Rann of Kutch, a very much wider and far more serious military conflict took place between Pakistan and India in September last year. After 17 days of bitter fighting, the two countries accepted a proposal for a cease-fire as embodied in the Security Council resolution of 20 September 1965. In this resolution the Security Council also decided, among other things, to consider what steps could be taken to assist the two countries towards the settlement of their underlying problem.

It was in the spirit of this resolution that President Mohammad Ayub Khan signed, with the Prime Minister of India the late Mr. Lal Bahadur Shastri, a nine-point declaration at Tashkent on 10 January this year. Under the Tashkent Declaration, both India and Pakistan agreed to make a fresh start in resolving their basic dispute in order to establish peace in the subcontinent on a stable basis.

The purpose of the Tashkent Declaration, as we see it, was to provide a framework within which peaceful and good neighbourly relations between India and Pakistan could be established. While the first steps have been taken towards normalising Indo-Pakistan relations—the armed personnel of the two countries have been withdrawn to the position they held prior to 5 August 1965, the High Commissioners of the two countries have resumed their respective duties, a ministerial meeting between India and Pakistan has been held in Rawalpindi in March—the principal cause of the Indo-Pakistan differences unfortunately remains as before. This, as you know, is the dispute over the State of Jammu and Kashmir.

Pakistan remains ready as ever to hold further talks with India at any level, official or ministerial, provided the objective of both countries is to have meaningful discussions on all outstanding issues, including the Jammu and Kashmir dispute, the basic cause of the conflict.

Indeed, the Tashkent Declaration did not visualise that either side would insist on the exclusion, explicitly or by implication, of any outstanding issue from the ambit of purposeful negotiations between the two countries, much less the Jammu and Kashmir dispute, which finds mention in the very first paragraph of the Declaration. It will be recalled that in the communique issued at the conclusion of the Indo-Pakistan ministerial meeting held at Rawalpindi on 1 and 2 March this year, both sides agreed that all disputes between Pakistan and India should be resolved to promote and strengthen peace between them. This agreement was welcomed by the Government of Pakistan as being fully in accord with the Tashkent Declaration, which was signed in order to establish peace between India and Pakistan on a firm basis and to remove the cause of conflict between them.

While each side has its own views on the Jammu and Kashmir dispute, it is scarcely possible for Pakistan to enter into negotiations in the face of the assertion that the Indian-held part of the State is an integral part of India, or that the settlement of the dispute is irrelevant to the establishment of friendly relations between the two countries. We continue to hope, nonetheless, that the Indian Government will realise the inconsistency between assertions of this nature and these assurance than talks between the two countries must be, as they say, 'purposeful and serious'.

I wish to reiterate that the Government of Pakistan remain willing to enter into negotiations with India for the settlement of all outstanding disputes and differences on a just and honourable basis.

Year after year we have brought to the attention of Commonwealth leaders at these meeting of the existence of the

Indo-Pakistan dispute over Jammu and Kashmir. Almost as frequently we have had the feeling that some members would prefer to see this dispute under the rug.

Statement of Shri Swaran Singh on Indo-Pakistan Ministerial meeting at Rawalpindi in Lok Sabha, March 4, 1966

As the House is aware, the Tashkent Declaration provides for various issues to be discussed between India and Pakistan. Both sides have been taking action in fulfilment of some provisions of the Declaration, notably Articles II, V and VII. which relate to the withdrawal and disengagement of forces, the restoration of normal diplomatic relations, and the exchange of prisoners. There has also been partial progress, in respect of the restoration of communications envisaged in Article. VI. as also under Article IV, which calls for the discouragement of propaganda directed against the other country. However, for further progress in pursuance of the Tashkent Declaration numerous other issues of immediate as well as of long-term importance need to be settled and as a result of exchanges between the two Governments it was decided that to this end a meeting be held at Ministers level between the two sides at Rawalpindi on March 1st and 2nd.

Accordingly, the Indian Ministers of External Affairs, of Transport Aviation, Shipping and Tourism, and of Commerce, accompanied by several advisers, had a brief formal opening meeting with the Ministers of Foreign Affairs, of Commerce and of Communications of the Government of Pakistan and their advisers on the morning of 1st March. Thereafter many meetings, formal and informal at Ministerial and official level, were held and a joint communique was issued on the evening of 2-2-1966. I place on the Table of the House a copy of the communique. (*Placed in Library, See No. LT-5692/66*).

As stated in the Communique, the talks in Rawalpindi were of an exploratory nature and led to useful exchange of views. During their exchange with the Pakistan Government preparatory to the Conference, the Government of India had suggested that it be held to consider further steps towards the

implementation of the Tashkent Declaration. The Government of India had added that, in particular, discussions take place on the questions of restoration of trade economic relations and communications and the property and assets taken over by either side. The Government of Pakistan had proposed that Ministerial meeting should discuss six additional items which were briefly, according to them, the dispute over Jammu and Kashmir, the reduction of armed forces following settlement of the Kashmir dispute, the creation of conditions preventing the exodus of people, the so-called evictions the Farakka Barrage and the implementation of existing agreements.

Eventually it was agreed that the meeting take place without any agenda, each side naturally being free to raise whatever issues it wished to. At the discussions held on March 1st and 2nd, each side explained to the other at length which issues they felt could most appropriately and usefully be discussed at this stage to achieve the purposes of the Tashkent Declaration. The Pakistan Delegation highlighted the question of Kashmir, which they appeared to consider as the root cause of all other Indo-Pakistan issues and which had to be tackled if progress were to be achieved in improving Indo-Pakistan relations. The Indian delegation reiterated the Government of India's views on the Kashmir question and explained that, as no useful purpose could be served by discussing it, the Conference should proceed to complete the normalisation of relations in the fields disturbed by the conflict and also take up some other major issues, the solution of which would lead to a better understanding between the two Governments and greater goodwill between the two peoples. We pointed out that the significance of the Tashkent Declaration was that on the one hand the two sides would not resort to force but would settle their differences by peaceful means, and on the other, they would proceed with the settlement of various individual issues even though on some other issues their positions might remain far apart.

Both sides reaffirmed their resolve to adhere to the terms of the Tashkent Declaration and to discharge their obligations

under the Declaration and having exchanged views on the approach which each considered would best further this cause, decided to meet again at a later date.

Shri Swaran Singh : It is true, Sir, that much progress could not be made, during the discussions, about we have agreed to meet again and to discuss it further is the only report that I can make.

Shri Hem Barua : Sir, Pakistan's Foreign Minister, Mr. Bhutto, has expressed satisfaction at the use of the word "dispute" in the Joint Rawalpindi Communique. The Tashkent Declaration tells us that Kashmir was discussed at Tashkent and each side presented its respective point of view at Tashkent. May I know, in that context, what is the special reason on account of which the Government started discussing Kashmir again at Rawalpindi before the ink on the Tashkent Declaration could be dry ?

Shri Swaran Singh : On this occasion also when this matter was raised, we on our side reiterated the Indian position on the question of Jammu and Kashmir. On this question of the use of the word "dispute", if the hon. Member studies the Joint communique he will find that is the statement which was made by the Pakistani delegation, and each side can describe any matter as a dispute. Each side, therefore, reiterated their position and further progress could not be made. So the position of the Government of India on this question of Jammu and Kashmir is exactly the same what it was at the time of the Tashkent Declaration.

We have consistently adopted this attitude, that on any matter that might be raised by one side the other party should not say "no" even to talking on that point. It is quite another thing that in the course of the talk you reiterate your position, but it will not be correct just to say that we are not going to talk on any matter.

We have to talk consistently with the stand which we have taken on the main issue, namely that the sovereignty of Jammu and Kashmir is not negotiable.

Any propaganda that Pakistan carries on against the Tashkent spirit and the letter of the Tashkent Declaration will be a serious violation of the Declaration, and we will certainly lodge a very strong protest against that. About the specific issue of monitoring, I think it is a matter which is being looked into and if it is established it will be a very serious violation and a very serious act of interference in our internal affairs, and as such something which we cannot tolerate.

Speech made by President Ayub Khan at the Pakistan State Banquet on 26 March 1966 while welcoming Mr. Jiu Shao-chi, chairman of the People's Republic of China.

The ties of friendship between our two countries have been further reinforced as a result of the just stand that your great country has taken on the question of the people of Jammu and Kashmir to self-determination and in upholding the struggle of our people to safeguard their political independence and territorial integrity.

The friendship between Pakistan and China is not based on expediency. It is based rather on the common desire of the peoples of the region. The policies of both Governments are based on principles. Among these principles is a belief in the right of peoples to self-determination. Both countries consider it is of the fundamental importance that friendly ties should be developed with all countries and especially with neighbours. Such a relationship is possible only on the basis of equality and mutual respect for sovereignty, independence and territorial integrity of States.

It is in this perspective that the Tashkent Declaration must be viewed. The Tashkent Declaration is a declaration of intent. It provides a framework and a procedure for settling outstanding disputes between India and Pakistan, and, in particular, the Jammu and Kashmir dispute, which was the cause of the recent conflict between the two countries. Significance of the Declaration will be determined by the extent to which its provisions are implemented in finding a just and honourable settlement of this dispute.

What we did in Tashkent does not derogate in the slightest degree from our commitment to the people of Jammu and Kashmir. Nor has the Declaration weakened our resolve to defend our independence and sovereignty or to pursue a policy guided by the interest of our country.

Mr. Chairman, apart from the bonds resulting from geographical contiguity and historical and cultural traditions, our countries share common problems arising out of foreign exploitation and the legacy of colonial rule. Our peoples are engaged in their respective ways in a great effort to developing their resources so that they can raise their standard of living. I was particularly impressed during my visit to your country by the remarkable progress achieved by the gifted and industrious peoples of China on the basis of self-reliance. Apart from seeing some of our historical treasures, I hope, Your Excellency would also see some of our efforts in building up our country.

Your Excellency's visit will enable a friendly exchange of views on matters of mutual concern to our two countries and would I am sure, strengthen the friendship that already exists between us.

In conclusion, must reiterate on this occasion the firm belief of my Government and the people of Pakistan that in order to reduce world tensions and attain durable peace in the world, the People's Republic China must be accorded its rightful place in the comity of nations. It is inconceivable that 650 million people should be prevented from pursuing a beneficial intercourse with the rest of mankind, and the world denied of the indispensable contribution that they can make to the cause of peace and just solutions to the great problems which confront mankind.

I now propose a toast to the health and long life of His Excellency Chairman Mao Tse-tung, His Excellency Chairman Liu Shao-chi, Madame Liu Shao-chi, Vice-Premier Chen Yi, Madame Chen Yi and all the distinguished guests from the People's Republic of China.

To the prosperity and progress of the great people of China, to lasting friendship between Pakistan and China, to African-Asian solidarity and to world peace.

Speech made by Chairman Jiu Shao-chi chairman of the Peoples' Republic of China on 26 March 1966, at Pakistan State Banquet.

We have always held that the Kashmir dispute should be settled in accordance with the wishes of the Kashmir people. Any attempt to deprive the Kashmir people of their right of self-determination or to bury the Kashmir question will neither be countenanced by the Kashmir people nor by the Pakistan people. President Ayub Khan has of late repeatedly stated that the Pakistan Government will not change its position on the Kashmir question and will continue to support the Kashmir people in their struggle for freedom. The Chinese Government and people firmly support the righteous stand of the Pakistan Government and the just struggle of Kashmir people for their right of self-determination.

Statement of the Home Minister Y.B. Chavan in Lok Sabha on press reports of the deplorable speech made by Sheikh Abdullah in Srinagar on 27th February 1969.

Government have seen press reports of the deplorable speech made by Sheikh Abdullah in Srinagar on 27th February in which among other things he is reported to have stated that if the Government of Jammu and Kashmir were to grant proprietary rights to refugees on evacuee property bloodshed would follow. He is also reported to have asked the Kashmiri youth to rise and seek what was due to them and said that the Pakistani youth had shown them the way. The Government of Jammu and Kashmir are closely examining the speech with a view to deciding whether it is actionable under the law.

I would like to add that report that I just got on teleprinter from the Government of Kashmir is as follows. This is the free translation of it in English ;

"We warn the Government that it is playing with fire and the Government of India wants to play a bloody drama here"

This is what he has said. I thought that I should bring this also to the notice of the House.

We know Sheikh Abdullah sometimes takes the opportunity to make some brave speeches here and there. Ultimately we will have to make an assessment of what exactly he is likely or not likely to do. It is on that assessment that we have to decide what action to take. In this matter, we are in very close contact with the Government of Jammu and Kashmir.

Shri Randhir Singh (Rohtak) : Put him in jail again.

Shri Y B Chavan : No it is no use merely trying to dramatise the issue. I would request my hon friend from Haryana not to try to dramatise these things.

Mr. Speaker : We were talking about cross-breeding of cattle in Haryana a little while ago.

Shri Y.B. Chavan : So that is one aspect.

The second aspect is concerning proprietary rights those refugees who have come from the other side. Really speaking, the question is about giving them permanent proprietary rights over those lands. That is a matter of which the Jammu and Kashmir Government are seized. They are considering a Bill about this particular matter. It had been referred to a select committee and I think it has come back with a report. Some legal points are involved about which they are taking the view of the Attorney-General.

I can say what, really speaking, the issue is. The Jammu and Kashmir Government has taken the position that this cannot be treated as evacuee property because these people moved to that area which we still claim as our own area. Therefore, it cannot be evacuee property. If at all this land is to be

handed over to these people with permanent proprietary rights, it will have to be acquired. This particular matter, therefore, is under consideration. Unfortunately, Sheikh Abdullah, quite inconsistent with his reputation as secular man, tried to communalise the issue. That is a very unfortunate part of it. That was why I said it was deplorable.

Shri Balraj Madhok (South Delhi) : The hon. Minister has made a wrong statement. They have not gone to the Pakistan—occupied area ; they have gone to Pakistan.

Shri Y.B. Chavan : It is not a question of the Government of India being silent or not being silent about certain things. This Commission was appointed by the Government of Jammu and Kashmir. Naturally, in this matter, it is not right for the Government of India to rush with their views.

Shri N.R. Laskar (Karimgan) : There is no doubt one fact, that Sheikh Abdullah is today an utterly frustrated man in India.

Shri Y.B. Chavan : In India.

Shri N.R. Laskar : This has been more so because all of his attempts to force the Government of India to talk with him on the basis that Kashmir is not an integral part of India has completely failed. But one thing which is disturbing is that in the recent speech which he made, as the hon. Minister rightly said, he has communalised the entire issue. I would like to know whether the Government is taking any step whatsoever so that he cannot spread communalism between people and people in that valley.

Shri Y.B. Chavan : I have already explained about the action to be taken in this matter. The only thing which we can do, we should do, is to keep close watch and make a proper assessment of the matter. Ultimately, whatever action has to be taken will have to be considered not in isolation of an individual, Sheikh Abdullah, but of the effect it will have on the situation in the Kashmir valley itself.

Shri A. Sreedharan (Badagra) : The hon. Home Minister has advised us not to dramatise the situation, and I do not want to dramatise it also, but this issue was raised on the floor of the House on a previous occasion, when the strong Home Minister of India stated that he was watching the situation in Kashmir closely and persistently, he was watching Sheikh Abdullah also, and he gave an assurance he was doing that. In the phraseology of a great author, his assurance came like the roar of a tiger, only to disappear like the quail of a snake. Here is a statement by Sheikh Abdullah. I am not worried merely about the law and order problem. I am worried about the image of this Government. When the Image of this Government is put forward before the entire world, we are all one, that is how I feel about it. Here is a man who called this Government a worthless Government, and only a docile Government run by a superannuated political party can tolerate it.

My question is this. Sheikh Abdullah wants to create an explosive situation. He has given a communal twist, and this is not merely a problem of Kashmir, it is a problem of the people of India. To face it merely from the point of view of law and order, I donot think is the proper solution. A popular movement has got to be built up in Kashmir to face it. In view of this fact will the Home Minister take steps to send an all-party parliamentary delegation to Kashmir to popularise the same that people have got to be careful about this communal twist ?

Shri Y.B. Chavan : The hon. member started with a very brave stand, and I thought he was going to make some revolutionary suggestion, but ultimately he brought a rat out of a mountain. He talked of tigers and snakes. He seems to be fond of snakes. But apart from that, as I have said, the only suggestion that he made was which is certainly very indisputable that to meet the situation there should be some popular movement. I entirely agree with him that there should

be a popular movement about it, and if hon. members want to take any deputation, certainly I will give them all facilities.

Shri A. Sreedharan : My question was whether the Government of India was going to sponsor a delegation. I am an individual. If I want to go, I do not need your permission to go there.

Shri Y.B. Chavan : I have already replied to most of the Points that the hon. Member has raised and I shall try to repeat one or two points. He asks whether we are taking any action on the recommendations of the National Integration Council which held its meeting in Srinagar on the use of temples, churches, mosques, etc. The hon. Member is probably aware that such a Bill had been introduced in the House and it was referred to the Select Committee and the Select Committee had submitted its report during the last few days and it will be considered in Parliament. He has asked me about the Unlawful Activities Bill. There is some legal doubt whether it could be made applicable to Kashmir. We are introducing another Bill to make this point clear.

This is about the legal facts : whether these things should be made use of against any particular organisation or individual is a matter of judgment, as I said.

About the Gajendragadkar Commission, again I would like to say that this was not appointed at the instance of the Government of India or the Home Minister. This Commission was appointed by the Jammu and Kashmir Government itself.

Mr. Speaker : Shri Madhu Limaye.

MR. Speaker : Order, order. I would not answer the notices on the floor of the House. (*Interruption*).

Mr. Speaker : It is not proper. I would not answer any notices given. Will you kindly sitdown ? I would not answer any notices.

Statement of External Affairs Minister Dinesh Singh in Lok Sabha on Reported Building of a New Road by the Chinese inside the Indian Territory, 22 July 1969.

We have received information that the Government of Pakistan have begun constructing a road from Mor Khun in Northern Kashmir to Khunjerab Pass on the Kashmir-Sinkiang border. The entire alignment of the road runs in Indian territory which is presently under the illegal and forcible occupation of Pakistan. It is reported that 12,000 Chinese personnel of the People's Liberation Army have been inducted into this area to help build this road and are camped at Mor Khun.

This road will help to extend the Chinese road network in the Tibet-Sinkiang area into Northern Kashmir. It will give easier access to Chinese troops from areas under the illegal occupation of China in North-East Kashmir and from Tibet into the Gilgit area in Pakistan-occupied Kashmir, which lies to the north of the ceasefire line. The military significance of this road is, therefore, self-evident.

We have lodged emphatic protests with Pakistan and China over the building of this military road in Indian territory, and pointed out that it is a threat to the peace and tranquillity of the region. Pakistan's willingness to build the road with Chinese help shows that Pakistan's intentions and ambitions in Kashmir equally serve Chinese designs in the area.

The House is well aware of Sino-Pak military collusion against India. The Government is fully alive to the danger posed to our security and is taking necessary steps to safeguard our interests.

We have been willing at all times to discuss with Pakistan any of the differences that exist between our two countries, and that there has been effort on our part on several occasions to try to resume dialogue with Pakistan which could find a solution to these problems. Unfortunately, there has been very little response from Pakistan, and it is very difficult to have a dialogue unless there is a response from the other side. It is our feeling

that if we could strengthen the co-operation that we are hoping for in Asia, namely co-operation in economic terms, perhaps it will be possible to discuss these matters even with Pakistan in an improved atmosphere. This is why we have been hoping that Pakistan would normalise relations under the Tashkent Declaration and that it will be possible for us to move further in building many bridges in which it would be possible to find a solution to the difficult problems that exist. There has been so far no obvious trend in Pakistan which will give us any great hope, but we have to go on making this effort, and I am hopeful that may be, over a period of time, the rulers in Pakistan will appreciate that there is much more to gain by co-operation with India, and certainly by co-operation in the economic field than by their dependence on super-powers whatever they may be and building an attitude of hostility towards India. In co-operation we shall both gain rather than by over dependence that is coming in Pakistan because of their superpower relations.

We came to know of it much earlier. In fact we had some indications of it at the beginning of the year. We had to verify it naturally because it involved certain considerations, and we wanted to be exact before we took this matter up, and it took time because of the difficulties there. It is only after the snow has melted that an attempt is being made to construct this road. Of course, there had been survey and other things going on for some time, and there had been an old track in this area, and they are now making this track wider into a road. We lodged the protest as soon as we had definite information that this road was being built and the Chinese were there.

But it is difficult for me to say what action we are taking in this connection because that gives out what exact information we have and what exact attempts we are making. So, on a number of occasions, we may have this information quite early, but it is difficult always to divulge it because many sources are involved and we have to take certain measures and it became difficult to publicise it.

Jaya Prakash Narayan's speech at Jammu and Kashmir State People's Convention.

I am thankful to Sheikh Mohammad Abdullah for asking me to inaugurate this important Convention. As you perhaps know, I have come after some hesitation, indeed, after an initially negative decision. Two main considerations finally persuaded me to come. One, my affection and regard for Sheikh Saheb, and, two, the hope that my plain words, spoken from the heart, might on the one hand, help you to reach a practical decision, and on the other, influence Indian public opinion also to take a realistic and constructive view of the situation.

Only once before have I had the pleasure of visiting your State. That was in January 1947, when Mr. Ram Chandra Kak was Prime Minister and Sheikh Saheb was in prison with some of his colleagues. Bakshi Ghulam Mohammed was then working underground in Delhi, so as to keep in touch with the national leaders and help the Kashmir movement from there. It was he who had planned that first visit of ours—then too my wife was with me, and he had accompanied us as far as Rawalpindi, from where we travelled in the company of the late Munshi Ahmed Din and some workers of the National Conference.

That was a very brief visit, as unfortunately the present one is going to be. On that occasion all that I was able to do was to have discussions with some of the workers who were conducting the movement in the absence of their leaders, and to make a public speech in my very inadequate Urdu, it was, I believe, at Mujahid Manzil.

I visit the State again after an interval of 21 years and 9 months—a long period full of fateful events. But during this period, even without visiting the State, I have tried to keep in touch with the changing situation here. I have also tried during all this time to look at the Kashmir problem—as indeed at all other problems—from the point of view of

certain basic political principles and values that I hold dear. At this Convention too I shall try to do the same. Perhaps I should add that in the past 21 years, though my mode of political action has undergone change and development, those principles and values have remained for me unaltered. In fact, it was in order to pursue those basic convictions more effectively that I altered my mode of political functioning.

II

Importance of the Convention

Let me now turn to the present occasion. First of all, it seems to me that this Convention is of the most critical significance. It is, I believe, for the first time in the history of Jammu and Kashmir that such a move has been made. Its success might well mean the dawn of a new and brighter day, not only for the people of this State but also of the whole country. Its failure, on the other hand, might dash, if not for all time, at least for the foreseeable future, all hopes of easing the political and psychological tensions, the uncertainties and fears that have plagued this State for the past many years, particularly since 1953. I hope, therefore, that the participants in this Convention will be mindful of the very serious responsibility they have accepted. Their task calls for a constructive approach, and a determination not to permit their deliberations to end in indecision or failure. I hope you will face this crucial task with humility of spirit, a preparedness to understand one another, and a realistic appreciation of the limitations that circumstances have imposed upon all those seeking a satisfactory answer to this vexed question.

In view of the exceptional importance of this Convention, it is a matter of deep disappointment that the State Congress and Jan Sangh have refused to take part in it. No doubt they have reasons for their refusal—and I do not wish to minimise them—but it is never constructive and certainly not in keeping with the spirit of democracy to refuse to talk to

those with whom one is in disagreement—even complete disagreement. I have faith in human reason; and I believe that given the democratic spirit of give and take, there is no tangle that human reason cannot straighten out. The problems of the State are in such a state of confusion and complexity, and most of the leaders in the rest of the country are so casual in dealing with them and so self-satisfied with mounting shibboleths, that a Convention of leaders representing different points of view in the State to hammer out a general consensus amongst themselves on the future of the State is manifestly a step in the right direction. The views that have been expressed in public statements by the State Congress and Jan Sangh leaders—and they are no doubt important views—could have been expressed in this Convention to facilitate the emergence of such a consensus. It seems to me, therefore, that a great opportunity for a political understanding in the State has been thrown away. However, as the *London Economist* said in a recent issue 'what matters about congresses and conferences is not only who goes into them, but what comes out of this Convention will really mark the beginning of a new development that will bring peace and happiness where uncertainty and trouble have reigned for many years.

III

Need for Settlement in Kashmir

Before dealing with some of the vital issues before this Convention, I should like to speak briefly to those in this State and the rest of the country who claim that there is nothing left to settle in Kashmir, that the State is as irrevocably a part of India as, let us say, Uttar Pradesh. All those who give expression to this view are not really of one mind on the question. There are, for instance, the Bharatiya Jan Sangh and elements in the Congress and the Government of India who hold that Article 370 of the Constitution of India should be abrogated and the State fully 'integrated' with the Union of India, and further that Indian citizens should be

able freely to buy land and settle down in the State. There are others, like Chief Minister G.M. Sadiq, who assert that the State is truly an integral part of India, though they concede that the quantum of autonomy that the State should enjoy is a negotiable matter. There are also several variations of this general theme, such as that (a) Jammu should be separated from the state or that (b) the area should be given a measure of regional autonomy within the State. There are also intermediate views between these proposals.

On the other hand, Sheikh Abdullah and many people associated with him do not agree that the State's accession was final and irrevocable. Had Sheikh Saheb been just an individual of little consequence, surrounded by a handful of other similar individuals, his opinions could have been ignored. But if one does want to indulge in wishful thinking, it has to be recognised, however unpleasant and inconvenient it might be to some, that Sheikh Abdullah continues to be a key-figure in the State because he still commands impressive mass support in the valley as well as in certain other parts of the State. That being so, for a large number of people the question of Kashmir cannot be deemed to have been settled, unless the Sheikh is also a party to the settlement.

It is not necessary to remind you that if there was one man more responsible than anyone else for the accession of the State to the Indian Union in 1947, it was Sheikh Mohammed Abdullah. Another historical event deserves mention in this context: at the time of Independence, while overwhelming numbers of Muslims throughout undivided India had rallied to the banner of Mr. Jinnah and subscribed to his two-nation theory, two shining exceptions stood out in bold dissent: the North-West Frontier Province and the State of Jammu and Kashmir. The Muslim masses in these two regions refused to be swept off their feet by the cry of a separate Muslim nation. That was due, let it be remembered, to the leadership of two deeply religious and towering, charismatic Muslims: Khan Abdul Ghaffar Khan and Sheikh Abdullah.

After partition and the creation of Pakistan, it was Sheikh Abdullah again who led, in the face of Pakistani aggression, the people of his State to throw in their lot with India. It was his consistently courageous, non-communal and enlightened leadership that gives the opportunity today to every Indian to hold up Kashmir as a noble example of Indian secularism. Even over the recent incidents at the Srinagar Engineering College, Sheikh Saheb demonstrated once again his uncompromising opposition to communalism.

These events, to mention only a few of many similar ones, place the leadership of Sheikh Abdullah and his views in true perspective.

There is another salient fact about this State to which I should like to draw the attention of those who assert that there is nothing left to settle in regard to Kashmir. That is the fact of widespread and persistent discontent in the Valley. Part of the discontent is undoubtedly of the same nature that one finds, in some measure or other, all over the country. But there is also no doubt that the greater part of it is peculiar to the State and stems from the political situation : in particular, from the lack of agreement with Sheikh Abdullah and the absence of genuine democracy and good government in the State. Some of the recent judgements on the election petitions in the State provide a significant commentary on the working of democracy here.

It seems to me that all those who loudly proclaim that Kashmir is an inalienable part of India should feel deeply concerned over this persistent discontent. But regrettably one does not find such concern in these quarters. The majority of them believe in a policy of drift and pathetically trust to time to settle all problems. It does not occur to them that time has not settled this particular problem in 21 years. Another 21 years are hardly likely to settle it along the path of indecision and opportunism. Indeed, if the situation is allowed to drift further and Sheikh Abdullah continues to be ignored, extremism would keep on growing apace and the consequences might well be incalculable.

There are, of course, those for whom the solution of every problem lies in force. To them it is of little significance how popular Sheikh Abdullah is and how disaffected are his followers. Force in their reckoning will take care of all that. Such a naive and reactionary view appeals naturally to a certain type of mind. But the large-scale use of force, especially in such a sensitive spot of the world as Kashmir is, carries with it immense risks. There is also a real danger that the continued reliance on force in Kashmir may erode democracy in other parts of India, create and feed communal conflict, and become a running and festering sore in the body politic and economic of the country.

IV

The Need for a Realistic Decision

I have dealt at some length and with complete frankness with the basic principles which govern my views on the problem of Kashmir. With equal frankness let me turn now to those who are assembled here for this Convention. Over the years a variety of solutions have been offered by different people with their own interpretations of the right of the people to self-determination. The point I should like to emphasise is that it is high time that a definite and realistic decision were taken now.

Time and circumstance move fast in a revolutionary age like the one in which we live. Statesmanship demands quick decisions in keeping with such changes. The question of Kashmir is not an academic one that can be debated indefinitely and in the abstract, while the economic and social needs of her people suffer sad neglect. It is very much a political question, but the choices in politics are always limited by a combination of circumstances which cannot be ignored.

There is frequent reference in a discussion of the Kashmir problem to the right of self-determination. That claim rests on

an assurance first given on behalf of the Government of India by Lord Mountbatten in his letter to Maharaja Sir Hari Singh in these words : "as soon as law and order have been restored and the soil is cleared of the invader, the question of the State's accession should be settled by a reference to the people". It is but fair to point out that even now a large part of the State continues to be in alien hands. As a further complication, there was the tragic conflict of 1965, and a recurrence of such conflict cannot be ruled out so long as Pakistan declines to accept a no-war pact.

Let me also remind you that the world of 1968 is far removed in outlook and mood from the world of 1947. In these intervening years, new factors have emerged which have radically altered the essential nature of the issues involved in a solution of the problem of Kashmir. The right to self-determination, viewed against such a changed background, needs to be interpreted afresh in keeping with today's needs of the people of Kashmir.

There is, of course, a broader implication in the right to self-determination, namely, the inherent right of every people to determine their ways of life and the form and character of their institutions. But this is an extremely complicated matter; and in the context of the modern nation-state, the complications are further compounded. Now, I am not an admirer of the nation-state and in fact regard it as an already outmoded and out-dated concept. But it exists and does seem to arouse the strongest sentiment that moves and unites men today. It cuts across the boundaries of region, race, language, culture and ideology, including the ideology of communism.

In the context of the nation-state, it is extremely difficult to define and geographically demarcate "a people". Are the Kashmiris a people? Then, what about the Dogras and the Ladakhis? Where will you draw the line? You can look around the world and see for yourselves how doggedly the existing nation-states, no matter how haphazardly created, fight against any of their 'peoples' wanting to break away or to exercise their right to self-determination.

This is a hard fact of which due notice must be taken. Whether one likes it or not, the Indian nation-state, also a haphazard creation owing to the tragedy of partition, has its geographical boundaries demarcated. India is no more prepared than Pakistan, or for that matter any other nation-state, willingly and peacefully to let any part of the country break away on any plea whatever. Let this fact be duly appreciated. No doubt military means can be used to enforce the right to self-determination, but a breakaway part of a nation-state is never likely to achieve its end or maintain it for long by such means—unless it is helped by other powerful nation-states for their own selfish ends. However, such a possibility is entirely irrelevant to the discussion here, because I am not aware that there is any one present who is advocating a military or a violent solution.

Other factors, too, must be taken into account. The fate of the people of this region—Jammu, Kashmir and Ladakh—was determined over a hundred years ago, not primarily in their own interests but by the consideration that the State lay wedged in between three empires : Czarist Russia, China and Britain. The old rivals of the last century have no doubt disappeared, but the clash of interests continues in a different garb in today's world and in potentially more menacing terms. Small States, despite the noble aims and principles of the U.N. Charter, continue to become helpless pawns in the game of power-politics of big States.

These are unpleasant but inescapable realities; and as your friend and well-wisher I am bound to speak the truth as I see it. This Convention must understand clearly that after the 1965 conflict, no Government of India can accept a solution that places Kashmir outside the Union of India. Or, to put it positively, a solution has to be found within the framework of the Union. This statement should not surprise any of you, because this is not the first time that I am making it publicly. As some of you at least must know, this also happens to be the view of many others in the country who

have been trying over the past several years to create public opinion in favour of an agreed settlement in Kashmir.

These then are the inevitable limitations imposed by circumstances to which I have referred in my opening remarks. Statesmanship on your side requires that you should adapt your policy and programme to suit the facts of the situation. To ignore them will only mean further tension, resulting, so far as your people are concerned, in frustration, uncertainty and misery.

These observations obviously raise a number of questions. Let me deal with some of them. I know that Sheikh Saheb and his colleagues have been emphasising the right of the people to decide their future. I have indicated the considerations which must qualify this right. It may, of course, be argued that (a) the people have the right to decide whether they accept or not such qualifying considerations; and (b) if they do, what kind of a political settlement would they have *within* those limitations.

The main issue that I would place before you today is, how can the people decide these complicated and grave issues without clear and unambiguous advice from their leaders? I feel strongly, and wish to say to you with all the emphasis I can command, that *this is the occasion when you owe it to yourselves and to the people to make up your minds and advise them unambiguously on these vital issues.* I do not think it will be difficult for the leaders gathered here to go to the people and convince them that the decisions reached here are the best possible solutions in the circumstances and would guarantee them peace, happiness and honour. If this Convention is not to be a mere exercise in political debate but represents an earnest and constructive effort to find a practical way out of the present impasse, I am convinced that this is the wisest course open to it.

Another large question that my suggestion raises is, how will Pakistan react to a settlement within the limits pointed

out by me ? It is often urged that unless Pakistan is at least tacitly reconciled to the situation here, there can be no guarantee of peace and security in the State. This is true. So, let us see what possible Pakistani reaction there could be. Pakistan's public stand had always been that the people of this State should themselves decide their fate. Therefore, if you take a decision here and persuade the people to endorse it, as I have no doubt that you will be able to do, Pakistan will have no valid grievance or cause for complaint. World opinion too would acclaim a settlement acceptable to the people of Kashmir and restrain Pakistan from the pursuit of any policy but that of acceptance or acquiescence. Should that happen, it may prove to be the beginning of a new and happy chapter in the history of India-Pakistan relations.

The last question, and the most important, is, what about the possible reaction of the Government of India to the course I am advocating here ? While I cannot speak for the Government of India, I have no doubt that your acceptance of this line would clear the ground for a meaningful dialogue between your leaders and the Government of India. In that event, even other leaders of the State, who have stayed away from this Convention, may join forces with you. It seems to me that a new day would have truly dawned then.

Such questions as the constitutional status of the State within the Indian Union, a guarantee that that status would not be unilaterally altered, *etcetera*, will remain to be discussed. But the proper place for such discussions is not here but at a later stage, with the Government of India's representatives at the Conference table. I am aware that in some quarters there is a view which is opposed to any state being given a special position. But I doubt if such a view can be maintained in the changing circumstances of India. For historical reasons modifications will have to be made in the general pattern. Such modifications do, in fact, exist even today. There is also a developing pressure from the States for a larger measure of autonomy. It would be wrong to consider such trends as being disruptive of national unity. On the other

hand, any attempt to impose a rigid uniformity from above is bound to create tensions that may be productive of seeds of disruption. With the situation undergoing a great change as a result of the general elections of 1967, there is urgent need to review Centre-State relationships from an entirely new angle. In a vast country like ours, national unity can only be fostered in an atmosphere of wise understanding of regional sentiments and interests and of a spirit of mutual tolerance. So long as political authority was the monopoly of a single party ruling at the Centre and in virtually all the States, the problem of Centre-State relations did not appear to be of major significance. The general elections in February 1967 have resulted in a jockeying for power among political groups in a number of States. This is not the place nor the occasion for a detailed discussion of the theme. But it is relevant here to remark that Kashmir is not alone in its efforts to secure maximum autonomy.

These, my dear friends, are the "plain words" that I had said at the outset I wanted to speak to you today. Let me once again assure you that they have been spoken from the heart and are intended to help you to arrive at a wise and practical decision. All eyes in the country are turned towards you, and every one expects that your decisions will prove to be a turning point towards a happier future.

Since this is the commencement of the Gandhi centenary year, it is appropriate that we should turn our thoughts in homage to the man who led us in the freedom struggle. Partition caused him deep anguish; but when he found that it was inevitable because most of his lieutenants were willing to pay that price for freedom, he continued to live in the hope that the separation would be as between friends and their relationship could be defined in a treaty to ensure a smooth and harmonious transition. Tragically, he did not live long enough after partition to see the fulfilment of such a hope.

This Convention, it is my earnest prayer, will so guide its proceedings as to make a renewal of that effort not only

possible but also fruitful. There are all over the world today many spots of trouble and explosive danger. If through your decisions the prospectus of peace and goodwill can be brightened in the entire region, described as the subcontinent south of the Himalayas, it will be a big step forward towards the world of Mahatma Gandhi's conception.

This is a great opportunity which you yourselves have had the foresight to create, and I pray to God that He may grant you the wisdom and courage that this occasion demands.

**Pakistan Prime Minister Z.A. Bhutto's interview of 1976
Published in Teheran Journal.**

Question: This distinction between the line of peace and the international line has been made in Kashmir. But you have said you can't compromise on Kashmir. I recall a magnificent speech made in August 1973, when you became Prime Minister. You said that it needed courage to face realities and that it was time for the country to get rid of the Bangladesh syndrome. Now what about the Kashmir syndrome?

Answer: There is very big difference between the two, Bangladesh was one thousand miles away and originally the Lahore Resolution spoke of two states. It was later on in 1946 that the leadership of Muslim Bengal insisted upon a Federation rather than a Confederation and they changed the original Lahore Resolution at a convention which was held in Delhi.

Kashmir on the other hand is geographically contiguous to Pakistan. Our rivers which you see so full of mischief these days have their water-sheds in Kashmir, the Indus passes through the state of Jammu and Kashmir, and the Chenab also flows through the disputed state. So our rivers are linked and our economy is linked: We are linked by race, by culture and by religion. Therefore, there is a distinct difference between the two situations which you described as syndromes. In

1947 the areas forming West Pakistan were Muslim majority areas and they voted against exploitation and perpetual domination to come together. The Kashmir people have never had the opportunity to vote on the question, although the United Nations, Pakistan and India promised them that right in the form of a plebiscite. In the State of Jammu and Kashmir, apart from geography, there are additional and of blood. So many people in Punjab are from Kashmir. They came a generation or two ago and are still known as Kashmiris. Allama Iqbal himself was of a Kashmiri family settled in Punjab. These factors did not exist between Bangladesh and Pakistan. So I think there is a world of a difference between the two positions. That is why in Simla, although we were at that time in the midst of our worst crisis and hardly in a position to be able to negotiate, hardly in a position to be able to resist, Pakistan did not compromise on Kashmir. Since we did not compromise on Kashmir in Simla, I fail to understand why we should compromise on such a fundamental issue now. As I said the other night there are some issues on which a compromise can lead to a greater complication.

We are quite prepared to have bilateral negotiations with India, on the Jammu and Kashmir dispute, within the framework of the Simla agreement. I am quite prepared, whenever the Indian Government is ready—and by that I do not mean that we are going to wait for another generation but for a reasonable period of time—in the foreseeable future to discuss the matter. India should recognize reality and come to grips with this problem. India cannot avoid having discussions with Pakistan on the Kashmir issue. It exists, it is a reality, it has existed all these years but attempts to resolve it have failed. We should try again.

In the reasonable, foreseeable future—let us say soon after the elections that are to take place in India and Pakistan—with fresh electoral mandates we should take up this issue and hold discussions on it. I have said we are prepared for bilateral negotiations, and you know I have great faith in

bilateralism. I believe it to be the most efficacious method of resolving disputes.

If these bilateral negotiations fail, we are prepared to consider other peaceful avenues for the settlement of the dispute even going to the United Nations although our experience there, for about a quarter of a century, has made us somewhat cynical about the outcome of its resolutions. There are other methods we can consider, arbitration, mediation, or informal good office. Peaceful methods have been tried in equally complicated problems in the past. They have been tried with success by other states. So all these peaceful methods are open to India and Pakistan to arrive at a solution and that is why, since we are concentrating on a peaceful solution, we can contemplate no war over Jammu and Kashmir, that is why I call it a line of peace the line of war. It will remain a line of peace but I do not say that it is going to become an international frontier. There is a difference between a line of peace and an international frontier. If I had said that the Ceasefire Line was going to become the international frontier then it could have been interpreted to mean that I had conceded the part of Kashmir which is held by India. I did not use those words "line of peace" in contrast to the "line of war" but, it, nevertheless, remains a ceasefire line. They are holding their side of the line and we are holding our side of the line. The ceasefire line is not being hotbed as it was sometimes in the past.

Question: Having demarcated the boundary of control, is it not logical to keep the momentum of rapprochement by allowing over-land trade across what you call the line of peace.

Ans. : Who are professionals in negativism? They thrive on negativism and they thrive on contradictions and on misrepresentation. They try to exploit the people. They think that the world has not moved since 1936 or 1948 or 1958 or 1968.

Yes, in terms of the calendar they might think that we are in 1976, but the concept of how the world is moving today is completely alien to them. They are not in it, not part of it because they don't have a broad vision. They have not seen the world. Some of them have seen the world as tourists but not as observers, scholars or political analysts. They have not been abroad to study problems. They have not, for instance, studied the German problem, they have not seen how Willy Brandt and the Germans overcame their difficulties. They do not seem to be aware of the Trieste question and how it was approached and resolved. They have not observed how the Shahanshah has overcome the question of Iran, Iraq difference. They have not studied how the European Economic Community came into being.

You know that in politics you have to study various developments that take place. As I said in the Quetta, the other day, it is we who form part of the world and not the world that forms part of us. We cannot be oblivious to the trends and the tendencies that emerge in the world from time to time, how powerful is the impact they have on various events and situations. Taking a lesson from something that has been done elsewhere in the world does not mean that we are compromising on our principles. They are sacrosanct. But, apart from basic principles there are other issues which can be resolved. We should go in search of a solution on the basis I have outlined, and this means also that we should discard a colonial or a clerical outlook.

Some people get worked up about joint communiques. They think that the problems of the whole world can be settled in joint communiques, such people have complexes. Some of them in our country do not want Pakistan to move forward. They do not want Pakistan to form part of today's civilized world which is marching ahead. They want to tie down to the past to retain the past slogans, retain the past hatreds and to retain the past bitterness. As I said they are professional negativists and they tell lies. If for instance, in our relations with India we have adhered to the Simla

agreement, we have no secret agreement with India at all. If there were one the secret would have by now been out. What is it that remains secret in the world of today? It is possible to keep an agreement secret for your years?

Recently, Kissinger talked to me here on the nuclear reprocessing plant and the next morning there were stories about it in newspapers in London and Paris. So it is quite absurd to think that secrecy can be maintained on fundamental matters for years. But they keep telling our people that secret agreements also were concluded at Simla between India and Pakistan.

This sort of thing used to happen in the days of secret diplomacy, in the era of Bismarck when agreements were made above and under the table.

This does not prevent our critics from repeating that we are selling out Pakistan's sovereignty to India. Perhaps, they also think that the era of repeating big lies is not yet over.

Pakistan regards Iran a friendly and fraternal country, it purchased some onions and potatoes which are perishable commodities from India and it wanted us to see that the potatoes and onions reached Iran without perishing because your people needed those commodities. I received an urgent message from His Imperial Majesty's Government saying that they needed vegetables urgently. We said: Yes, of course? After all we are brothers, we must both act like brothers and show we are brothers. So we said we would allow transit of the goods even though they were Indian goods. We said we would allow Iranian trucks to take these goods into Iran what a fuss was made over it by our opponents and how virulent was the propaganda they carried on: They said that this concession was only the beginning and after Iran there would be India, and once India came into the picture there would be disaster. But who has given India permission to send its trucks over our roads.

Atapour : Is the option open to the people of Jammu and Kashmir to become an independent state or join either India or Pakistan ?

Bhutto : Now you are talkin? about an independent state. We are placing our case on two principles of international law. One is the right of self-determination and the other, which is more important, the agreement between two parties. That agreement says that the Kashmir dispute would be settled by the exercise of the right of self-determination by the people whether the state of Jammu and Kashmir should accede to India or to Pakistan. We attach the highest importance to international agreements.

If the international agreement between India and Pakistan was of a different nature, then that would have taken precedence over the general principle of international law. The principle of general international law, as you know very well, is always superseded by an agreement. It so happens that in this case the agreement did not go against the right of self-determination.

The agreement says that the right of self-determination is to be exercised but that the choice is confined to accession by the state of Jammu and Kashmir to India or Pakistan and there is no third choice. If we allow a third choice, we break the agreement. To us that agreement has more value than the general principle of self-determination. The general principle of self-determination also has a value and we are glad that this general principle, this universal principle, has been incorporated in the agreement. So there is inconsistency and we would not like to break the agreement. Why should we break it ? Should we do it for something vague, for some flimsy notion which will be brushed aside, in time, and with it Pakistan's moral position which is the main pillar of Pakistan's case. And we will have also lost the legal basis of our case and for what ? Not for a settlement : then why should we break that agreement and toy with an adventuristic notion ?

Answer : The agreement, is not open to negotiations. We say that the agreement is binding and the agreement binds us to the right of self-determination for the people of Jammu and Kashmir. It is for them to choose between India and Pakistan. If we say that a third choice is open then we will be breaking the agreement.

Question : What I meant to ask Mr. Prime Minister was that if there is a new agreement.

Answer : Even if there is a new agreement we shall not abandon the principle of self-determination. We will not give up that general principle. We say that the new agreement has to be based on that general principle.

Question : Would it not, in all fairness, be more logical to have for example, a separate referendum in Kashmir and a separate referendum in Jammu.

Answer : This is a hypothetical question and not at all relevant to a practical solution of the problem. First of all, in spite of the agreement and in spite of the general principle the UN Resolution remains defied. Why then open a Pandora's box and go into the realm of fantasy and discuss hypothetical question. When this clear-cut, simple resolution is being defied by India, what makes you think that India will be in a better frame of mind to agree to something different? Why should we encourage India to break the agreement which contains one of the most important principles of international law? If international agreements are to be broken, we will not fall back on arbitrary considerations or arrangements made for expediency. We stay with the principle that the right of self-determination should remain with the people.

Question : When do you think relations between India and Pakistan will resemble those that exist between Sweden and Norway, an analogy that you, Mr. Prime Minister, have drawn in your book : *The Myth of Independence* ?

Answer : That can happen once the Kashmir dispute is resolved. I see no difficulty. There should be an enormous improvement in our mutual relations once the Kashmir dispute is resolved. It is a great tragedy that the Kashmir dispute has prevented us from opening up new vistas of boundless cooperation and I firmly believe that once we have found a satisfactory solution to the Kashmir dispute we shall respond whole-heartedly for good relations with India. That when the original concept of Pakistan was envisaged by Quaid-i-Azam, he did not want Pakistan to be in perpetual enmity with India. He did not create a state so that it could always be at war with India. His whole concept was to the contrary. Quaid-i-Azam said and felt that since we could not live together in one country, it would be better for us to separate to form two sovereign states, to get our psychological, political and economic security by the formation of those two separate states and then to live as equals as brothers and friends. Pakistan to him was the basis of creating equality between the Hindu community and the Muslim community. Equality alone would result in a most congenial relationship between the two countries. Do you know he even envisaged that he could go after independence and live in his house in Bombay ? He had spoken to many people about this. And said that we will be living on the basis of equality as brothers and have a house here and sometimes in winter go and live in a house there.

He did not expect the carnage and bloodbath that took place when the sub-continent was partitioned. Nor did he expect the two countries to be in a perpetual turmoil and conflict. His whole concept was of India and Pakistan as two equal sovereign states with the necessary psychological and political security to live like Sweden and Norway. But then the Kashmir issue came in and upset everything.

Question : Sir, referring to your book *The Myth of Independence* and recalling Dr. Kissinger's speech in Lahore, one is bound to say that your China policy of the 1960's was real pioneer statesmanship. From the perspective of history,

however, can it be said that your opening up to China was inspired by strategic considerations *vis-a-vis* India ?

Answer : No, not *vis-a-vis* India. This is what the Indians have said and this is an unfair change. So much so that not once but twice. Once as Foreign Minister and once as President of Pakistan I told the Indians that if they thought in that vein they could ask us to use our good offices to improve their relations with China. I made this offer to Swaran Singh when he was the Foreign Minister and to Mrs. Gandhi at Simla. I said : Please do not think that our relations with China are based on the exclusive considerations of our relations with India. This is not the position. But if you think this to be so, there is a test. There is an acid test and that acid test lies in the fact that we are prepared to lend a hand, in improving your relations with China.

We certainly did take into account China's strategic importance but not in the context of India, but in the context of Asia, the much larger perspective of China's role both as a Pacific power and as a continental land mass adjacent to the Soviet Union, adjacent to Pakistan and as I said, having its specific orientation and a population of 700 million people. We felt that it would not be possible to have a successful United Nations, an effective United Nations without the participation of the real China. We felt it unrealistic that the major issues of Asia at least should not be resolved without the full participation of China. And this is what happened for example, the Vietnam war came to an end.

We felt that on the larger plane there could not be disarmament, real disarmament, universal disarmament and complete disarmament if ever it is to come, with China excluded from the disarmament negotiations. We felt that questions like apartheid and segregation could not really be resolved without the full force and support, in international forums and in other regional forums, of the People's Republic of China. So, our motivation for improving rela-

tions with China, was not only that it was a neighbour of Pakistan having a common border of about 370 miles through some of the most difficult and rugged terrain of the world but also because of the other factors outlined by me. Our relations apart from relations with Iran our other neighbour, were not as good as we would have liked them to be. We wanted a better relationship with our neighbours. This also was among the much bigger considerations which I have already stated.

Answer : He failed over China because—and I am putting it very mildly and very briefly in 1962 he precipitated a war with China. You see he did not grasp the realities of the situation. He thought China was irritating him by trying to straighten out the boundaries and that he should throw them back from the boundaries. If you read all the documents of those days you will find them confirming that conclusion. In Madras he made a speech. He said : "I have ordered my forces to throw Chinese out". Then he went to Colombo and he was asked by Madam Bandarnaike whether he really meant to do that and he replied that the time had come when India must throw the Chinese out of its border area.

Chou En-lai had gone to India, before that to negotiate a peaceful settlement and to arrive at some 'no war agreement'. He had laid down the principles on which negotiations could take place. Nehru rejected all of them. You might have also come across this in a well written book by Neville Maxwell, *India's China War*. In those days the United States Joint Chief of Staff was General Maxwell Taylor who also said that the Indians took the initiative and started the war, the boundary conflict. But the world opinion at the time was so much in the hands of those who wanted to make India look like the victim that they gave a distorted picture of the position and said that China had invaded India. The fact was otherwise : India had ordered its armed forces under General Kaul to throw out the Chinese from what it regarded to be Indian territory and what the Chinese regard as disputed territory.

Question : The Chinese had moved into that area.

Answer : The Chinese had moved much earlier into Laddakh and the Indians had even participated in their road building ceremony. There was a ceremony when the road was completed and the Chinese invited the Indians to participate in that ceremony. And the Indians participated in that ceremony. Later on the Indians claimed that territory of Aksai Chin. They saw the road being built and and they participated in the ceremony and then promptly claimed it to be their own territory.

But even if India had claimed the territory, it did not mean that she should have gone to war over it. The Chinese told them repeatedly : Let us not fight over it : do not try to use your guns : do not try to muscle into the territory : we can come to a negotiated settlement. But Nehru misjudged the whole situation and he thought that he was capable of just pushing the Chinese back and that they would do nothing.

China at that time was isolated and the Sino-Soviet differences had also arisen. This was not then known to the world but was known to Nehru. In 1962 China was not what China is today. Nehru really thought that he would teach the Chinese a lesson, and it turned out to be a lesson in reverse because China hit back, and China hit back hard and the Indians came rolling down the hills, and when they came rolling down the hills then there was complete panic. The Chinese, very wisely, declared a unilateral ceasefire, withdrew their forces, returned all the weapons and equipment to the Indians, and even put petrol in their tanks and trucks.

Role of Sheikh Mohammed Abdullah

Statement of Sheikh Mohammed Abdullah issued from New Delhi on February 17, 1958.

Since my release after 4½ years' detention, I have tried to explain my viewpoint and possible solution in regard to various problems facing the political future of the State. With sufficient clarity, I hope, I have succeeded in elucidating the following points:—

- (a) So long as final decision about the future disposition of Jammu and Kashmir State is not arrived at, the political uncertainty, economic distress and other mental strain and miseries which the people of the State are facing at present, cannot terminate.
- (b) The existing strained relations between India and Pakistan are not only a source of great danger to the solidarity of Asia, but also contribute to the ruin of the people of the State. The dispute over Kashmir is one of the main contributing factors to these strained relations.
- (c) The ultimate decision with regard to the future affiliation of the State vests with the people and can only be achieved by allowing them to exercise their right of self-determination under impartial international supervision, in accordance with the universally recognized methods as has been already agreed to by the parties concerned or is otherwise acceptable to all.

I am deeply sorry that in order to befog my views from the public, interested people have resorted, right from 1953, to a campaign of falsehood and every attempt is being made at misrepresentation and distortion. These people wish to keep the Kashmir issue hanging in order to exploit it to serve their own ends in spite of the fact that the progress of their Motherland and international peace and amity insistently demand its immediate solution.

Those who are opposed to a satisfactory final settlement of this problem falsely charged me, five years ago, as having conspired with a foreign power. Now since my release a campaign has been started by these very people to depict me as a communalist for obvious reasons. As the charge of foreign conspiracy could not be substantiated, despite expiry of five years, an attempt is now being made to fabricate the charge of communalism against me so that public opinion in India and elsewhere may be deceived afresh, and the people's feelings and sympathy for me as a victim of persecution may be affected.

Another object seems a futile attempt on the part of these people to intimidate and coerce me into silence. I am conscious of the fact that these people have at their command services of the press, power, money and other resources with the help of which they are able to present falsehood as truth. On the other hand such facilities are denied to me. Even so I have no doubt in my mind that my effort to end this long-standing dispute about Kashmir can have no relation to communalism. This effort, in fact, is a great service to all those who have been facing untold miseries during the last ten years because of this dispute having remained unsolved. Who can deny the reality that failure to end this dispute is not only a source of distress and misery to the Muslims of Jammu and Kashmir but is a cause of anxiety and uncertainty to the entire population of the State? A solution of this dispute will not only contribute to the strengthening of peace and security throughout Asia but will heal up a festering sore which has been seeping into the very vitals of India and

Pakistan. It is, therefore, for any intelligent man to judge whether it is fair to equate with communalism any endeavour to help solve this dispute. I firmly believe that real secularism is the soul of democracy but I am unable to understand how the demand for the final settlement of the dispute in regard to the accession of the Jammu and Kashmir State in accordance with the wishes of the people does in any way infringe any principle of secularism.

It is not the first time that I am charged with communalism. During the last 27 years a large section of the press in North India often brought such charges against me and every time facts and events proved them false. Many incidents in the Freedom Movement of our State bear witness to the fact that in 1931 this section of the press went so far as to allege that I aspired to be the Sultan of Kashmir and that a crown was ready in the Jamia Masjid, Srinagar, to be placed on my head at the opportune moment. Ultimately, however, truth triumphed and the National Movement spread throughout the State. Later, these charges were repeated during the "Quit Kashmir Movement" But when the practical test came in 1947, these were proved not only false and malicious but the world also came to appreciate that the attitude taken up by the Muslims of Kashmir in safeguarding life, honour and property of their non Muslim brethren was unparalleled throughout the sub-continent. Today in 1958, the same disruptive elements are again at their old game, and surprisingly enough, they include even those whose hands were besmeared, in 1947, with the innocent blood of their neighbours and who celebrated with great joy and distribution of sweets the brutal assassination of Mahatama Gandhi. Nevertheless, I feel sure that even this fresh attempt to malign me will also end in failure and fellow country-men belonging to the minorities will find me, as ever, their best friend, well wisher and protector of their legitimate rights. My past record should be a sufficient guarantee for any one to judge my future behaviour. I do not, therefore, wish to waste my time and that of my country-men in putting up a defence against these slanderous accusations. When the dust raised

by the propaganda of the interested people settles down, my fellow country-men will view me in the light of their past experience of me and events which have now become part of history, and will refuse to fall a prey to such a nefarious propaganda. The real secularism consists in safeguarding the legitimate rights of both the majority and minority communities. Happily the majority community in the State never considered the protection of the minorities as communalism and I hope and trust that the minority communities of this State will similarly not view the protection of the legitimate rights of the majority community as communalism.

I am being accused of break of pledge in support of the accession of the State to India. With all the force at my command, I repudiate this allegation and submit that the responsibility for the breach of the pledges rests elsewhere. A pledge is not a one-sided process; in regard to the accession of Kashmir the Governments of India and Kashmir accepted certain responsibilities and obligations but, unfortunately, the former did not fulfil their share in spite of the best endeavours of the Kashmir Government to persuade them to do so. When the charge of the breach of faith is, therefore, levelled against me, I have a right to pose the question as to where lies the responsibility for not implementing the promises and assurances given by the Government of India to the State of Jammu and Kashmir from the date of tribal raid till my arrest in 1953.

Much propaganda is being made out of the fact that in November 1947, I pledged my support to Pandit Nehru in a mass meeting held at Lal Chowk in Srinagar. But with this, one should not forget what Panditji said a few minutes earlier. Explaining the Government of India policy, he stated that :

“It must be remembered that the struggle in Kashmir is a struggle of the people of Kashmir under popular leadership against the invader. We have come to your help at this critical hour. Our forces are here simply to defend your country against the raiders and as soon as Kashmir is free from the

invader, our troops will have no further necessity to remain here and you will be free to determine your future in accordance with your wishes..."

A few days before the Lal Chowk meeting, announcing the Government of India policy, Prime Minister Pandit Jawaharlal Nehru, in his broadcast from New Delhi on the 2nd November, 1947, said : "We are anxious not to finalize anything in a moment of crisis and without the fullest opportunity to be given to the people of Kashmir to have their say. It was for them ultimately to decide. And let me make it clear that it has been our policy all along that where there is a dispute about accession of a State to either Dominion, the accession must be made by the people of that State. It was in accordance with this policy that we have added a proviso to the Instrument of Accession of Kashmir."

When the Constitution of India was finalized, the State of Jammu and Kashmir was given the status of an autonomous State in all matters except (a) Defence, (b) Foreign Affairs and (c) Communications (Section 370 of the Indian Constitution). This was an inviolable pledge.

May I ask, as to where all these promises and assurances stand today and who is responsible for breaking them ? My illegal and unconstitutional dismissal from Premiership and my long detention without trial are in themselves the most glaring examples of the value attached to pledges and solemn assurances.

I am also blamed by my detractors as to why I do not consider the decision taken by the Kashmir Consenbly regarding the accession as final. In this connection, the reality should not be lost sight of that the Government of India themselves have not accepted the decision of the Consenbly regarding accession as final. The late Sir B.N. Rao in the capacity of the leader of the Indian Delegation before the Security Council declared on March 12th, 1951 : "My Government's view is that while the Consenbly may, if it desires, express an opinion

on this question, it can make no decision on it." And again on 29th March, 1951 he declared that "the Consenbly cannot physically be prevented from expressing its opinion on this question if it so chooses, but this opinion will not bind my Government nor prejudice the position of this Council." Consequently the Security Council passed the following resolution on 30th March, 1951 :—

"Observing that the Governments of India and Pakistan have accepted the provisions of United Nations Commission for India and Pakistan (U.N.C.I.P.) resolutions of 13th August, 1948, and 5th January, 1949, and have reaffirmed their desire that the future of the State of Jammu and Kashmir shall be decided through the democratic method of a free and impartial plebiscite conducted under the auspices of United Nations;

"Observing that on 27th October, 1950, the General Council of the All Jammu and Kashmir National Conference adopted a resolution recommending the convening of a Constituent Assembly for the purpose of determining the future shape and affiliations of the State of Jammu and Kashmir;

"Observing further from statements of responsible authorities that action is proposed to convene such a Constituent Assembly and that the area from which such a Constituent Assembly would be elected is only a part of the whole territory of Jammu and Kashmir;

"Reminding the Governments and authorities concerned of the principle embodied in the Security Council resolutions of 21st April, 1948, 3rd June, 1948, and 14th March, 1950, and the United Nations Commission for India and Pakistan (UNCIP) resolutions of 13th August, 1948, and 5th January, 1949, that the final disposition of the State of Jammu and Kashmir will be made in accordance with the will of the people through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations;

"Affirming that the convening of a Constituent Assembly as recommended by the General Council of the All Jammu and Kashmir National Conference, and any action that Assembly might attempt to take to determine the future shape and affiliation of the entire State or any part thereof, would not constitute a disposition of the State in accordance with the above principle."

Pandit Jawaharlal Nehru, while answering a question on the subject in the Indian Parliament in 1955, declared the decision of the Consenbly regarding the accession as unilateral and, therefore, of no consequence to resolve this international dispute on Kashmir. The decision of this Assembly cannot, moreover, be viewed in isolation and out of context of historical events that followed. The question is not about the decision but as to what were the means by which it was secured. A period of five years elapsed between the date of convening of the Consenbly and taking a final decision on the accession issue. The Consenbly which enjoyed popular support in 1951 on this side of the "Cease-fire Line" forfeited the confidence due to the events that took place on 9th August, 1953, and thereafter. The front rank members of the body were put in prison and debarred from participating in the proceedings of the House. Those who were not in prison were forced into submission by threats of persecution and imprisonment and irresistible temptations were thrown in their way. Consequently, the masses lost faith in them as there was no contact between those members and their constituents. The fact cannot be ignored that before the constitution was finalized, the Leader of the House was arrested under a deeply-laid conspiracy and when the masses protested against this illegal and unconstitutional act, a reign of terror was let loose and hundreds of men, women and children were shot down in cold blood and this continued for months together. A period of four years was spent in making the members of the Assembly to toe the line of the *coup* stagers. Such of the members as did not submit were kept in jail and the constitution declared passed.

Even though in detention, yet led by national interests, from time to time I tried to warn all concerned against the dangerous consequences of allowing the Constituent Assembly to be used for group conflicts of the National Conference. In telegram on 30th September, 1951, I asked the President of the Constituent Assembly to allow me to be heard by the Assembly before the "vote of confidence" in *coup* stagers was considered. Then again when the constitution was going to be finalised, on 16-8-56 I wrote to him saying:

"By 9th August action as well as by the long record of black deeds in and outside the House, the present Government and the Assembly have completely forfeited the confidence of the electorate and they no longer represent the political and economic aspiration of the people. It will be the height of treachery if such a body sits to frame a fundamental law for the people and their future generations. Nothing can be worse betrayal of their aspirations. I feel therefore, duty-bound to ask you to desist from such a course of action..."

Then on 24th October, 1956, my colleague, Mirza Mohammed Afzal Beg, addressing the Constituent Assembly warningly stated:

"...This House is not competent to finalize the question of accession or frame the constitution because it has lost the confidence of the people..."

Summary rejection of all these warnings later on compelled him and other M.L.A's to boycott the Constituent Assembly.

Therefore, whatever this Assembly did, in the name of constitution, after the *coup* of 9th August, 1953, has hardly any significance. In regard to a constitution of which this is the history and background, the framers may say what they like to please themselves but to expect the people to entertain respect for such a constitution or to consider it as a reflection

of their aspirations is something which surpasses comprehension. Those who still assert that the decision of the Consenbly taken after 9th August, 1953, has the support of the people, should not be afraid of holding a plebiscite. They should rather welcome it.

In view of these circumstances, I fail to understand why and how my refusal to accept these decisions of the Consenbly could be taken as treasonable.

One of the most important objects underlying the entire political movement in the State has remained to secure the right of self-determination for the people of the State. Expression of the will of the people through a plebiscite is the one formula which has been agreed upon by the parties concerned and in a mass of disagreements about details, this common denominator has held the field so far. The Security Council, also, has held that a plebiscite, conducted in a fair and free atmosphere under its own auspices, is a just solution of the problem consistent with the provisions of the United Nations Charter. This commitment has repeatedly been reaffirmed by the parties concerned.

The people of the State consider the formula of plebiscite as a clear interpretation of their long cherished aspirations and as a lasting solution of the complicated problem which is facing them since 1947. Their political outlook is the product of the last 27 years' struggle whose sheet-anchor has everremained the cynviction that "sovereignty vests with the people" A State which was sold away for a cash consideration and remained in slavish subjugation for a century, naturally gave this demand the foremost importance and made the right of self-democratic set-up as its cardinal creed.

The Indian National Congress has throughout raised its voice in support of our demand and it was on the asis of t is principle that the leaders of the Congress, in general, and Pandit Nehru in particular, extended cooperation and help to the Freedom Struggle of the State from its very inception. I may

refer in this connection to the resolutions passed and the speeches delivered at the Annual Session of the All Jammu and Kashmir National Conference held at Sopore in 1945, in which Pandit Jawaharlal Nehru, Maulana Azad, Khan Abdul Ghaffar Khan, Khan Abdul Samed Khan and other top-ranking Congress leaders participated. In this session the people's demand for the right of self-determination formed the central theme of the resolutions passed.

The Congress leaders not only supported, all along, our demand for the right of self-determination, but also helped in organizing me in the "Quit Kashmir Case". Pandit Jawaharlal Nehru did not only court arrest as a mark of his support to our struggle, but went to the extent of appearing as my counsel in the case, in collaboration with the late Mr. Asaf Ali and others. Subsequently, when the sub-continent was partitioned and the tribal raid took place, it was again in defence of this very right of self-determination that Government of India agreed to send its armed forces to Kashmir. Simultaneously, Government of India while accepting the Instrument of Accession signed by Maharaja Hari Singh on 26th October, 1947, laid down the condition that the accession was subject to ratification by the people

Recognizing this constantly repeated demand of the people and their aspirations, Lord Mountbatten, Governor-General of India, wrote to the Maharaja on 27th October, 1947: "In the special circumstances mentioned by Your Highness, my Government have decided to accept the accession of Kashmir State to the Dominion of India. Consistently with their policy that in the case of any State where the issue of accession has been the subject of dispute, the question of accession should be decided in accordance with the wishes of the people of the State, it is my Government's wish that, as soon as law and order have been restored in Kashmir and her soil cleared of the invader, the question of the State's accession should be settled by a reference to the people". These pledges were reiterated, through years, in Parliament and outside.

before the Security Council and in mass meeting here in Kashmir and elsewhere. If doubts were cast by uncharitable persons on the implementation of the promises and assurances given, those were silenced and emphatically rejected.

Then came a period when Governments of India and Pakistan tried to solve the Kashmir dispute by direct negotiations. In May, 1953 we in "National Conference" were asked to weigh and suggest the various alternate proposals for the solution. On 9th June the following unanimous decision was taken by a High Level Committee of the National Conference and communicated to Panditji :

"As a result of discussion held in the course of various meetings, the following proposals only emerge as possible alternatives for an honourable and peaceful solution of the Kashmir dispute between India and Pakistan :—

- (a) Overall plebiscite with conditions as detailed in the minutes of the meeting dated 4.6.53.
- (b) Independence of the whole State.
- (c) Independence of the whole State with joint control of foreign affairs and defence.
- (d) Dixon plan with independence for the plebiscite area.

"Bakhshi (Ghulam Mohammed) Sahib was emphatically of the opinion that the proposal (d) above should be put up as first and the only practicable, advantageous and honourable solution of the dispute. Maulana Saeed, however, opined, that the order of preference as given above should be adhered to."

Unfortunately, the authorities at the helm of affairs could not appreciate the value of this and no further progress took place. In the meantime, events took an ugly turn and 9th August *coup* was staged, story of which need not be related here:

It was as late as August, 1953, after my detention, that the two Prime Ministers of India and Pakistan, after deliberating for a number of days in Delhi as to how best to resolve this dispute, reiterated in a joint communique their "firm opinion that this (Kashmir Question) should be settled in accordance with the wishes of the people of that state... The most feasible method of ascertaining the wishes of the people was by fair and impartial plebiscite."

Bakhshi Ghulam Mohammed, as Prime Minister of the State, in a press statement issued by him on 21st August, 1953, declared: "I welcome the declaration of the two Prime Ministers in regard to the future disposition of the State of Jammu and Kashmir on the basis of the principle of self-determination. This declaration was finalized on behalf of the Government of India with our concurrence and has our unqualified support." The holding of a plebiscite is thus a solution which is not only consistent with the objectives of the Freedom Struggle of Kashmir and the Independence Movement of the Indian people but is one to which all concerned with the dispute have unequivocally committed themselves; time and again.

Quotations in the attached Appendix are only a few out of many to give an idea of the nature of the commitment on this subject. They have been given for the benefit of those who have the real good of the people of the sub-continent in their hearts and who earnestly desire a speedy solution of the long-standing dispute between the two neighbouring countries. My fervent appeal to them all is to help in resolving this deadlock keeping in view the past commitments and seeking a practicable solution that is honourable and satisfactory to all, thus help in preserving peace and the advancing progress of the people of the sub-continent. The need of the day is not to get apprehensive of this but to approach it with boldness and with an open mind.

APPENDIX TO ABOVE STATEMENT

(a) "...The Princes being the creation of British Imperialism and the British having quitted India, the people in the States were their own masters and the Kashmiris must, therefore, decide, without any coercion or show of it, from within or without, to which dominion they should belong".

(Mahatma Gandhi—1947)

(b) "...I have repeatedly stated that as soon as the raiders have been driven out of Kashmir or have withdrawn and peace and order have been established, the people of Kashmir should decide the question of Accession by plebiscite or referendum under international auspices such as those of the United Nations... By this declaration I stand."

(Pandit Jawaharlal Nehru,
November 21, 1947)

(c) "...Whether she (Kashmir) should withdraw from her accession to India, and either accede to India or remain independent with a right to claim admission as a member of the United Nations—all this we have recognized to be a matter for unfettered decision by the people of Kashmir after normal life is restored there.

(Sir Gopalaswami Ayyangar, leader of
the Indian Delegation before the
Security Council, January 15, 1948)

(d) "...We have declared that the fate of Kashmir is ultimately to be decided by the people. The pledge we have given, and the Maharaja has supported it, not only to the people of Kashmir but to the world. We will not and cannot back out of it. We are prepared when peace and law and order have been established to have referendum held under international auspices like the United Nations..."

(Pandit Nehru's broadcast from New Delhi
on November 2, 1947)

Release and Rearrest

Letter dated 11 April 1958 from the representative of Pakistan Agha Shahi to the President of the Security Council.

I have been directed by my Government to draw the attention of the Security Council to the reign of terror that has lately been let loose by the so-called Government of Indian-occupied Kashmir with the approval and support of the Government of India, ostensibly to maintain law and order, but in reality to crush the growing demand of the people for a free and impartial plebiscite in the State.

Ever since Sheikh Mohammed Abdullah's release from Kud Jail after four years and five months' detention without trial, illegal and unconstitutional steps have been and are being taken by the administration to terrorize his supporters who are not prepared to accept the alleged accession of Jammu and Kashmir to India as valid, final or irrevocable. This campaign of terror is being carried out through members of Hindu and Sikh militant organizations who are actively assisted by the State militia, the so-called Peace Brigade, which in fact, is a notorious terrorist organization, and by contingents of the Central Reserve Police Force. Sheikh Abdullah himself has been receiving threats to his life and property from these elements. Speeches have been made by the Indian Home Minister, Pandit Pant, and the Defence Minister, Mr. Krishna Menon, and some other prominent Indian leaders declaring any person in the State of Jammu and Kashmir who

challenges the finality of the State's accession to India to be guilty of treason. In this way, the State Government has been encouraged to resort to violence and outrage.

The number of those arrested is reported to run into thousands. The entire Organizing Committee of the Kashmir Political Conference comprising forty members, with the exception of three, who have been exiled, has been imprisoned. Six of its presidents are also in jail. As many as five presidents of the Plebiscite Front, together with its entire executive body, are under detention. The names of some of the prominent persons amongst those arrested are as follows :

- (1) Khwaja Ghulam Qadar, former member of the Indian Parliament.
- (2) Maulvi Mohammad Saeed Masoodi, former member of the Indian Parliament.
- (3) Soofi Mohammad Akbar, President, Plebiscite Front.
- (4) Ghulam Mony-ud-Din Hamdani, General Secretary, Plebiscite Front.
- (5) Nazamud Din Bondey, Secretary, Plebiscite Front.
- (6) Ghulam Hassan Kant, Secretary, Plebiscite Front.
- (7) Ghulam Rasul Karra, brother of Ghulam Mohyuddin Karra, President of the Kashmir Political Conference.
- (8) Ali Mohammad, member of the Kashmir Political Conference.
- (9) Ghulam Mohammad Butt, member of the Plebiscite Front.
- (10) Ghulam Rasool Koehak.
- (11) Khwaja Mohammad Amin.
- (12) Habibullah Illahi.
- (14) Abdul Hameed of Shopian.
- (14) Mirza Ghulam Qadir Beg.

- (15) Pir Maqbool Yalgami.
- (16) Kwaja Ali Shah.
- (17) Sadarud Din Mujahid.
- (18) Kwaja Abdullah Loan.
- (19) Kwaja Babibullah Zargar.
- (20) Sheikh Mohammad Mansoor.
- (21) Ghulam Hassan Ali.
- (22) Ghulam Rasool, President, Mohalla Sayar (who has since succumbed to the injuries received at the hands of National Conference hoodlums).
- (23) Pandit Raghu Nath Vishnavi, a prominent Hindu leader and Secretary of the People's Defence and Relief Committee for the victims of the Hazratbal clash.

The press has been completely muzzled in order to make it impossible to publish any criticism of the Government's policy in the local or foreign press. Any person raising his voice against the Government is treated as a public enemy and is severely punished. Section 144 of the Criminal Procedure Code and rule 50 of the Defence Rules have been imposed in Srinagar, Islamabad, Baramula and other parts of the Valley of Kashmir, prohibiting the holding of public meetings, the taking out of processions, and the assembling of five or more persons in public places. There being a monopoly of procurement and distribution in the hands of the administration and its agents, a food scarcity has been created to destroy the morale of the populace and thus to act as a deterrent to those who may oppose the Government's policy.

In short, life in Indian-occupied Kashmir has become a nightmare. In sheer desperation, the people have launched a civil disobedience movement and have offered themselves for arrest by defying the bans placed on civil liberties. A large number of hunger-stricken people are crossing over into the Azad Kashmir territory, bringing reports of all kinds of

excesses and atrocities perpetrated on the civil population. These reports cannot but inflame feelings in Pakistan. The situation has thus become even more dangerous and constitutes an aggravated threat to the peace and security of the area unless the puppet Bakhshi regime, which is acting under instructions of the Government of India, puts an end to its tactics of terror.

It will, no doubt, be appreciated that the conditions at present obtaining in the India-held part of Jammu and Kashmir clearly violate the resolution adopted by the United Nations Commission for India and Pakistan on 5 January 1949 (*S/1196, para, 15*), which, *inter alia*, provides that no restrictions will be placed on legitimate political activity throughout the State; that all subjects of the State, regardless of creed, caste or party, shall be safe and free in expressing their views and that there shall be freedom of the press, speech and assembly; that political prisoners will be released; that minorities in all parts of the State will be accorded adequate protection, and that there will be no victimization. Also, the Security Council resolution of 2 December 1957 (*S/3922*) has been violated, as it enjoins both the Governments of India and Pakistan to refrain from making any statements and from doing or causing to be done or permitting any acts which might aggravate the situation, and further calls upon them to appeal to their respective peoples to assist in creating and maintaining an atmosphere favourable to the promotion of further negotiations.

It is requested that this letter may be circulated among the members of the Security Council. The Government of Pakistan reserve to themselves the right to ask that suitable action be taken to prevent these atrocities and to restore civil liberties in that part of the State of Jammu and Kashmir which is under the occupation of the Indian army.

(Signed) Agha Shahi
*Acting Permanent Representative of
Pakistan to the United Nations*
(Source ; UN Document No. S/3987)

Letter dated 6 May 1958 from the representative of Pakistan Aly Khan to the president of the Security Council on Sheikh Abdullah's rearrest.

In continuation of my delegation's letter of 11 April 1958 (S/3987). I have the honour, under the direction of my Government, to bring to your notice the most recent instance of the reign of terror in Indian-occupied Kashmir, namely, the re-arrest of Sheikh Abdullah at his residence in Saura (Srinagar), at 4 a.m. on 30 April 1958.

Since this act of repression has closely followed the recent visit to New Delhi of Bakhshi Ghulam Mohammed, the puppet Premier of Indian-occupied Kashmir, the inference is warranted that Sheikh Abdullah has been thrown back into prison with the approval of the Government of India.

Bakhshi Ghulam Mahammed has taken action against the Kashmir leader under section 3 of the Kashmir Security Act on the pretext that Sheikh Abdullah "was planning large-scale disorders and subversions in the next few days".

The falsity of this allegation, made on 30 April 1958, is manifest from the fact that, only five days before, Bakhshi Ghulam Mohammed told the special correspondent of *The Times*, London (26 April 1958, p. 5) as follows:

"Abdullah has failed. When we decided to release him we did not know what to expect. We thought that the whole valley would be in turmoil, but everything has remained quiet...We felt certain he would defy the ban on political meetings...but he has preferred to lie low."

Under section 3 of the Kashmir Security Act, which has been invoked for Sheikh Abdullah's re-arrest, no trial is required. This is conclusive proof of the fact that the pup-

pet Bakhshi government was unable to substantiate its allegation with any evidence which could be sustained in a court of law.

It will be recalled that the same provisions of the above Act were resorted to in 1953 to arrest and imprison Sheikh Abdullah without trial for more than four years on the pretext that he had entered into a conspiracy with a foreign power. On his release in January 1958, he publicly challenged the Indian Government to substantiate this allegation. This was never done.

The reasons now given for Sheikh Abdullah's re-arrest sound as hollow and unconvincing as did the previous allegation of conspiracy. If Sheikh Abdullah had any intention of creating disturbances in the State, he would certainly have defied the order prohibiting the holding of public meeting, the taking out of processions and the assembling of five or more persons in public places including mosques (section 144 of the Code of Criminal Procedure and rule 50 of the Defence Rules). That he had no such intention is confirmed by Bakshi Ghulam Mohammed's statement cited above to the special correspondent of *The Times*, London, on 25 April 1958 as well as by Sheikh Abdullah's Id Day message of 21 April 1958 to the people of Kashmir, in which he categorically declared that he did not desire to violate the can on public meetings and processions. This has been Sheikh Abdullah's attitude ever since he was released from prison in January 1958. On 9 March 1958, addressing a meeting at Khangah Mualla and Rainawari in Srinagar, he emphasized the need for Hindu-Muslim amity and warned the people against attempts of the authorities in India-occupied Kashmir to provoke religious riots. Again, on 10 April 1958, while talking to Plebiscite Front workers from Gandarbal, Badgom and other places in the Valley of Kashmir, he referred to Bakhshi's speeches delivered in Bombay and Delhi accusing him (Sheikh Abdullah) of inciting terrorist activities in the State, as a "bundle of lies and falsehoods" designed to create ground for his re-arrest.

All this evidence is proof that Sheikh Abdullah had not the slightest intention to resort to violent methods in order to achieve his objective of a free and impartial plebiscite to be held in Kashmir under the auspices of the United Nations to determine the future of the State.

It follows, therefore, that the real reason for the re-arrest of Sheikh Abdullah are other than those put forward by the puppet Bakhshi government to mislead world public opinion. The real reasons appear to be :

(a) Sheikh Abdullah's refusal to abate his demand for a fair and impartial plebiscite in the State to determine the question of its accession to India or Pakistan;

(b) His acknowledged popularity with the Kashmiri masses and his peaceful efforts to educate them in democratic methods of securing for themselves their right of self-determination;

(c) His open denunciation of repressive measures adopted by the puppet Bakhshi regime to suppress the freedom movement, particularly the mass arrests and merciless beatings of his followers when they were dispersing peacefully after hearing his speech at Hasratbal on 21 February 1958;

(d) The failure of the puppet Bakhshi government to find any plausible excuse to bring him to trial under ordinary law. That his re-arrest cannot be given even a semblance of legality is confirmed by Bakhshi Ghulam Mohammed's statement, date-lined New Delhi, India, May 5, published on page 29 of *The New York Times* of 6 May, that "he (Bakhshi) did not propose to place Sheikh Abdullah on trial".

(e) The danger of exposure by tourists during the tourist season of the real happenings inside Indian-occupied Kashmir. The experience of Mr. Ronald Sharpe, a New Zealand tourist, who recently visited Kashmir, may be quoted in this connexion. He says :

"Bakhshi Ghulam Mohammed, the puppet Premier of Kashmir, who rules ruthlessly over the destiny of four million people with a strong Dogra army on the one side and civil police on the other, has instructed all his political puppets to launch a 'clean-up campaign' against the Sheikh Abdullah group with such vindictiveness as to teach him an unforgettable lesson for opposing the present regime".

The re-arrest of Sheikh Abdullah has not come as a surprise to the Pakistan Government or, for that matter, to the world. It was a foregone conclusion.

The people of Indian-occupied Kashmir, despite the reign of terror, are becoming increasingly restive and are defying the ban on public meetings, by taking out processions and assembling in groups of five or more persons. Tension is mounting in the valley and in the surrounding areas. The Bakshi regime is once again using brutal violence to crush Abdullah's freedom fighters, as it did on the occasion of his arrest in 1953. To reinforce the army of repression, the puppet Premier Bakhshi Ghulam Mohammed has been sending frantic appeals, since the Sheikh's re-arrest, to Mr. Nehru to send more armed forces to Indian-occupied Kashmir.

These actions are likely to have serious repercussions in Pakistan. If peace and tranquillity are to be established in Indian-occupied Kashmir, it is impressive that, as a first step, Sheikh Abdullah should be freed immediately and restored to the full enjoyment of his human rights.

I am directed to point out that the arrest of Sheikh Abdullah constitutes a further breach of the Security Council resolution of 17 January 1948, which calls upon India and Pakistan to refrain from doing or permitting any acts which might aggravate the situation.

I trust that the Security Council will examine the assertions of the Government of India, contained in their perma-

ment representative's letter of 1 May 1958 (S/3999), against the background of the above-mentioned facts.

I am instructed by my Government to request that this letter may be circulated to the members of the Security Council.

(Source : UN Document, S/4003)

(Signed) Aly Khan

Letter dated 11 June 1958 from the representative of India Arthur S. Lall to the President of the Security Council regarding arrest of Sheikh Abdullah.

Sheikh Abdullah was served with an order of detention, under section 3(I)(A)(III) of the Jammu and Kashmir Preventive Detention Act by the district superintendent of police at 23.15 on the night 29 April at Sowra, a village six miles from Srinagar. The Jammu and Kashmir Government ordered the detention of Sheikh Abdullah as "his remaining at large was hazardous to the security of the State". It is not possible at present to set out in detail the reasons for the Jammu and Kashmir Government's decision to detain Sheikh Abdullah, as there is a conspiracy case pending against some twenty-one persons in the courts in Kashmir and much of such material is part of the evidence to be adduced at the trial and therefore *sub judice*. Sheikh Abdullah, it may, however, be stated, had been harbouring at his own residence proclaimed offenders wanted in connexion with crime, including looting, arson and murder, organized and committed by some plebiscite front workers at Hasratbal on 21 February 1958. One of these proclaimed offenders was apprehended in Sheikh Abdullah's house at the time of Sheikh Abdullah's arrest. In the above-mentioned conspiracy matter, the prosecution (the Government of Jammu and Kashmir) has alleged that since Sheikh Abdullah's arrest and detention in August 1953, "he, his relatives and associates, including some of the accused, decided to bring about the overthrow of the Government of the State established by law and to that end to enlist the support

of, and join hands with, Pakistan agents and officials. To achieve this object, the accused, between 9 August 1953 and 29 April 1958, amongst themselves and with other persons known and unknown, at Srinagar and diverse other places, both in and outside the State, conspired to over-awe by means of criminal force, and show of criminal force, the Government of the State."

The detention of Sheikh Abdullah and the prosecution of others involved in the conspiracy case are matters entirely within the jurisdiction of the Jammu and Kashmir Government as a constituent State of the Union of India. I am instructed by my Government to lodge an emphatic protest against the letter dated 6 May from the permanent representative of Pakistan to Your Excellency which is a blatant attempt at interference with the internal affairs of Jammu and Kashmir, one of the constituent States of the Indian Union, a Member State of the United Nations.

The basic assertion in the letter from the representative of Pakistan is that Sheikh Abdullah had not the slightest intention of resorting to violence or of creating disturbances in the State and that in fact Sheikh Abdullah had emphasized the need for Hindu-Muslim amity. Based on these premises, the permanent representative of Pakistan has imputed various motives for the detention of Sheikh Abdullah. That this basic assertion of the representative of Pakistan is totally false can be seen from the following extracts from the reports of foreign press correspondents who have been seeing things for themselves during their frequent visits to Kashmir :

Manchester Guardian : 11 January 1958

"The Sheikh is hitting India below the belt where it hurts most, where there is enough the communal suspense and a flicker of potential truth for things to flare up. Whether it is a responsible stand even for a patriot to take is open to question. It is no good saying 'occurren-

ces of 1947 must not be repeated' and then to try to open a recently healed wound."

Glasgow Herald : 13 January 1958

"But it is questionable whether he (Sheikh Abdullah) was wise in bringing the issue of communalism into the open. No one, as the Sheikh said, wants a recurrence of the events of 1957. But to insists on Hindu-Muslim differences might be the easiest way of bringing it about."

New Statesman, London : 1958

"A somewhat new, and regrettable, development evident in his speeches is an inclination towards communalism—the Hindu-Muslim inhibition that the Government of India has been trying desperately to erase from the Indian mind, not unsuccessfully... His first address at Srinagar is said to have been liberally interspersed with verses from the Koran, and delivered in an atmosphere reminiscent of communal meetings in pre-partition India."

News Chronicle, London : 1 May 1958

"He also played the dangerous game of setting the Muslims against Hindus to increase his personal following—something which might have ended in the same terrible bloodshed of partition."

Manchester Guardian : 1 May 1958

"Apparently the strain thrown on the administration by the unsettling activities of Sheikh Abdullah reached a breaking point. Finally, the decision has been taken to detain the Sheikh in order to relieve the valley of unnecessary political tension."

Sheikh Abdullah had been making public statements calculated to inflame religious passions and seeking to create conditions of disorder and lawlessness and supplementing Pakistan's subversive and sabotage activities in Jammu and Kashmir. For this purpose, Sheikh Abdullah began to collect large funds to organize a force of so-called volunteers who were the nucleus of a private army. While addressing a meeting at Srinagar last March, Sheikh Abudullah used vituperative language against the Prime Minister of Jammu and Kashmir and, when part of the audience walked out in protest, Sheikh Abdullah exhorted his audience, "Kill traitors if there are any amongst you", and added that his Razakars (name of his militant force of volunteers) were prepared to meet the situation. These activities of Sheikh Abdullah were well known in Pakistan and they had the continued support of the Pakistan Government, as the following report from *Dawn* of Karachi, dated 8 May, will show :

Dawn, Karachi : 8 May 1958

"It is stated some kind of a 'Maquis' underground organisation may soon spring up in occupied Kashmir to defy Bakshi's authority. Sheikh Abdullah had planned such an organisation as part of his anti-Indian fight in occupied Kashmir, but the planning was not completed when he was re-arrested."

This was also noticed by foreign correspondents. For example, *The Daily Telegraph*, London, of 3 May 1958, has the following report :

"Even his 'private army', they (Sheikh Abdullah's adherents) say, was a purely mercenary for paid £3 a month with Pakistan money".

It is well and widely known that conditions in Jammu and Kashmir are normal despite these attempts to create disorder. Already 25,000 tourists have visited the valley. Restrictions on the taking out of processions and the holding

of political meeting without the previous permission of the district magistrate, imposed in March last, have with withdrawn in most places. Celebrations in connexion with the spring festival started throughout the valley on 19 May.

In spite of this and the reports of independent observers to this effect, Pakistan press and radio have been putting out false and tendentious reports to misrepresent conditions in Jammu and Kashmir, misleading the world, increasing tension between the people of India and Pakistan and promoting a war psychosis amongst their people, as will be seen from the following :

"Today's dispatch from our special correspondent in Srinagar provides little evidence of the symptoms of public disturbance—the shops in Srinagar were all open today and busy ensnaring tourists in the usual manner. There is no curfew in the town and no sign of outward tension beyond intensified armed police patrols."

(The Daily Telegraph, London, 2 May 1958)

"In Srinagar a huge procession was taken out by the Plebiscite Front workers and it was later charged by Bakhshi police—about three hundred persons are said to have been arrested during the 24 hours. Of this 70 were arrested in Srinagar alone."

(Radio Pakistan, 2 May 1958)

In my letter, dated 1 May 1958 (S/3999), I referred to the Pakistan Government's campaign of hatred and calumny against India in violation of the Security Council resolution of 17 January 1948. Pakistan has committed and continues to commit grave violations of this resolution and of every undertaking she has given. Pakistan invaded the State with its regular armed forces, in defiance of this resolution. The people of Pakistan are subjected to a continuous campaign

of hatred against India and the Pakistan leaders have now thrown all restraint to the winds and openly advocate war and further aggression against India. The following extracts show how the authorities in Pakistan who are guilty of flagrant violation of the resolution of the Security Council dated 17 January 1948 are committing further violation of this resolution and instigating further aggression against India.

Chaudri Mohammed Ali, Former Prime Minister and Leader of the Tehrik-e-Istekam-e-Pakistan :

"We shall...direct our armed forces to go to the rescue of the people of Kashmir in a peaceful manner to protect them from the indignities and tortures being inflicted upon them. We shall simultaneously offer to enter into a no war agreement with India in order to assure the people of India and the world of our peaceful intentions."

(Pakistan Times, 7 April 1958)

"The open clash with Bharat (India) may occur in one, two or at the most three years, but occur it must.

"If you avoid an open clash with Bharat on Kashmir issue, you will have to resort to this unhappy measure when Bharat stops the supply of canal water to you after 1961."

"Mr. Ali said that if war was inevitable after three years on the canal waters issue why not fight it out now on the Kashmir issue? It would do a lot of good to the people of Kashmir and Pakistan, he added."

(Dawn, Karachi, 3 May 1958)

(Mr. Ali) "said it was his firm belief that war between Bharat and Pakistan was inevitable. There were two alternatives, either to fight out valiantly or die a coward's death.

"He said he was a serious minded person and would not indulge in an irresponsible talk or put forward an impracticable suggestion. He was sure that if the people of Pakistan waged "Jehad" (Holy War), Pakistan was bound to score a victory over her enemy, who would not otherwise agree to a fair and just solution of the disputes, between the two countries."

(*Dawn*, Karachi, 10 May 1958)

Mr. H.S. Suhrawardy, ex-Prime Minister and the Awami League-Chief :

"We can no longer remain an idle spectator of the tragedy perpetrated on the helpless people of Kashmir".

(*Dawn*, Karachi, 3 May 1958)

Mr. I.I. Chundrigar, ex-Prime Minister and Leader of the Opposition in the National Assembly :

"We in Pakistan, cannot sit idle while the conspirators against basic human rights of our brethern in Kashmir are out to destroy all democratic ways of life."

(*Dawn*, Karachi, 3 May 1958)

Malik Feroz Khan Noon, Prime Minister of Pakistan :

"The freedom of Kashmir will come not from any outside help but through its own internal strength. Bharat is brown colonial country of the worst type. What she is doing in Kashmir today in the 20th century no white colonial Power ever did."

(*Dawn*, Karachi, 10 March 1958)

"The Prime Minister said that in their struggle the people of Kashmir would find the Government and the people of Pakistan whole-heartedly behind them."

(*Dawn*, Karachi, 27 April 1958)

Khan Jalaluddin Khan, Minister of States for Interior :

"Khan Jalaluddin Khan warned the United Nations and Bharat here yesterday that unless a fair solution was found for the Kashmir dispute 'we might be compelled to shed our blood for the liberation of Kashmir.'"

(*Dawn*, Karachi, 26 April 1958)

Dr, Jehangir Pervez, Organizer of the "Greater Pakistan Movement" :

"We regard the existing frontiers of Pakistan as unnatural and arbitrary.

"We believe that grave injustice was done to Pakistan and the Muslims of the sub-continent at the time of the partition of the old provinces of the Punjab and Bengal. Even the Quaid-i-Azam, may his soul rest in peace, had to describe the Radcliffe award as perverse.

"This wrong must be undone. There lies the solution of all the ailments of Pakistan.

"We will first of all concentrate on the liberation of Jammu and Kashmir. This done we shall consider what next steps should be taken."

(*Dawn*, Karachi, 8 April 1958)

Khan Abdul Qaiyam Khan, the Muslim League President :

"War is the only solution of the Kashmir tangle".

(*Dawn*, Karachi, 6 May 1958)

"Rawalpindi, 26 May : The President of Pakistan Muslim League, Khan Abdul Qaiyam Khan, said here last night that war with Bharat was the only solution of the Kashmir problem.

"Khan Qaiyam Khan said he would do injustice to the nation if he did not tell them in unequivocal words that there was no other means of solving the Kashmir problem other than waging war against Bharat.

"Our cause is just and our stand on Kashmir righteous. There is no reason why we should not win the war against India, he declared."

(*Dawn*, Karachi, 27 May 1958)

I request that this communication may be circulated as a Security Council document and brought to the notice of the Security Council.

(Signed) Arthur S. Lall
*Ambassador Extraordinary and Plenipotentiary,
 Permanent Representative of India to the
 United Nations*

(Source : UN Document no. S/4024)

Letter dated 19 June 1958 from the representative of Pakistan Mr. Agha Shahi to the President of the Security Council regarding arrest of Sheikh Abdullah.

It was not the intention of my Government to reply to the allegations of the permanent representative of India in regard to the re-arrest of Sheikh Abdullah contained in his letter to the President of the Security Council of 11 June 1958 [S/4024]. But inasmuch as he has employed a novel and starting technique of misrepresentation in citing foreign press reports to justify the indefensible actions of his Government in occupied Kashmir, I am instructed by my Government to make a strong protest the tactics to which he has resorted in order to confuse world public opinion.

I am further instructed to bring to the notice of the Security Council the following examples of deliberate misrepresentation resorted to by the representative of India to cloak the actions of his Government in suppressing the fundamental liberties of the people of Kashmir.

The first is the device of lifting isolated parts of sentences from entirely different contexts and piecing them together so as to make them look like one integral quotation. In paragraph 7 of his letter, the representative of India has given the following quotation.

To-day's dispatch from our special correspondent in Srinagar provides little evidence of the symptoms of public disturbance—the shops were all open today and busy ensnaring tourists in the usual manner. There is no curfew in the town and no sign of outward tension beyond intensified armed police patrols."

(*The Daily Telegraph*, London) }
2 May 1958)

No such passage occurs anywhere in the newspaper which has been quoted. It has been fabricated by the representative of India himself. Actually, the portion of the above quotations which is underlined here has been lifted from its context and separated from the material part of the sentence. This sentence occurs in the following passage in an editorial of the *The Daily Telegraph* of 2 May:

"Those who hopefully looked on Sheikh Abdullah's release from five years' captivity as a conciliatory gesture by the Kashmir Government will have been dismayed by the circumstances of his re-arrest after three months of freedom. *To-day's dispatch from our special correspondent in Srinagar provides little evidence of the symptoms of public disturbance* which according to the Prime Minister Bakshi Ghulam Mohammed, his continued freedom was tending to provoke. It will not help to quote British precedents for such action without also listening to British experience. This preventive arrest of a political opponent can only damage the Government without in any way helping locally to reconcile Muslim and Hindu."

The remainder of the quotation in paragraph 7 of the letter of the permanent representative of India (namely: "the shops...patrols") has been conveniently lifted, not from the same editorial, but from Gordon Shepperd's dispatch appearing in the same issue. [Photostat copies of the editorial and the news dispatch are attached to the present letter (App I, secs. 1 and 2).]

This artful manipulation of joining two separate groups of words which occur in two separate contexts to make them look like one integral whole distorts the sense of both the editorial and the dispatch, and is not just fortuitous. By doing so, the representative of India seeks to convey an impression that Sheikh Abdullah's re-arrest was treated with complete indifference by the people of Kashmir. But the plain meaning of the editorial, when read without mutilation and transplantation, is that Sheikh Abdullah's detention was without justification altogether. It may be pointed out that while the editorial questions the cause of his re-arrest, the quotation in paragraph 7 of the letter of the representative of India has been so concocted as to refer to its effects. Thus, a meaning has been attributed to the *The Daily Telegraph*, which it evidently does not convey.

Another example of misrepresentation is provided in paragraph 5 of the representative of India in which a quotation from the *The Daily Telegraph*, London, of 3 May 1958, has been given by him as follows:

"Even his 'private army', they (Sheikh Abdullah's adherents) say, was a purely mercenary force paid £3 a month with Pakistan money."

But the actual passage in this issue of the newspaper reads:

"There are divided views as to why this critical Friday passed off so peacefully. The *authorities* claim that it

proves that Sheikh Abdullah had no genuine supporters. Even his 'private army' they say, was a purely mercenary force paid £3 a month with Pakistan money. One Kashmiri, an evident sympathizer, told me, on the other hand, that Sheikh Abdullah had left strict instructions that no blood should be spilt if he were re-arrested."

By wilfully changing the reference of the pronoun "they", in the quotation, to "Sheikh Abdullah's adherents" instead of "the authorities", the permanent representative of India has distorted the evident meaning of the newspaper report (Cf. app. I, secs. 3 and 4).

There are also several examples of the technique of *suppresso veri* provided in paragraph 4 of the letter of the permanent representative of India. The quotations therein have been so truncated or produced in such manner as to misrepresent the evaluation which the newspapers in question have themselves made of the situation in Kashmir. The last quotation in this paragraph is from a dispatch datelined New Delhi, 30 April, which appeared in the *Manchester Guardian* of 1 May 1958. That dispatch about Sheikh Abdullah's re-arrest begins with the following words, which the representative of India has suppressed to distort its meaning :

"Information received here indicates that there has been no immediate provocation for the extreme step taken by the Kashmir Government."

In order to curtail the length of this letter, I shall refrain from citing more fully than the representative of India has done in paragraph 4 of his letter. The reports and comments appearing in the *Manchester Guardian* of 11 January 1958, and the *New Statesman* of 1 February 1958, make it abundantly clear that the purport of the testimony from these sources, which has been adduced by him, is contradicted by these sources themselves. (Relevant passages relating to this testimony may, however, be seen in appendix II.)

My Government trusts that this disregard of the elementary decencies of faithful quotation by the representative of India will be protested by the members of the Security Council as well as by the organs of world public opinion to which such cynical injustice is being done.

The tactics of misrepresentation adopted by the representative of India in his letter of 11 June 1958 are but characteristic of India's entire attitude towards the United Nations and the world in the Kashmir dispute.

In the present context, the representative of India seems to rely largely on foreign press reports to substantiate the case for Sheikh Abdullah's imprisonment. It is therefore necessary to quote other reports and comments appearing in prominent newspapers about the lack of any justification for this arbitrary and provocative step on the part of the Government of India taken through its puppet regime in occupied Kashmir. (Relevant quotations appear in appendix III.)

As regards the vague accusation that Sheikh Abdullah was exciting religious hatred in Kashmir, the following testimony of Mr. Kingsley Martin of the *New Statesmen* of London, in the issue of 22 March 1958, may be quoted :

"I went to see the Sheikh in his home in Srinagar when he had come back tired after a long day in which he had addressed eleven meetings. He was in a quiet and reasonable mood... The truth about the Sheikh confirmed my conversation with people who have known him for many years—I first met him in 1948 and my own judgement is the same—is that he is not a 'communalist', has never been anti-Indian and only attacks India now and quotes the Koran in his speeches because he is a Muslim leader opposing Indian rule."

The Times of London carried the following report in its issue of 22 April 1958, about Sheikh Abdullah's last public appearance before his re-arrest :

"He (Sheikh Abdullah) spoke in fact for 50 minutes in his clear and ringing voice, alternately expounding verses from the Koran and leading the singing of songs from Iqbal, never touching on politics save once to exhort his hearers to have faith, 'for it was God's will that one day they should rule themselves in freedom and dignity'. The congregation abstained from any demonstration except for occasional applause; all must have known that the government had banned political meetings and that a few slogans would have sufficed to turn the gathering into an unlawful assembly. Outside, the shorthand writers stood with pencils poised, ready to jot down any seditious utterance; but an Indian official commented disgustedly : 'He is not going to say anything : he is afraid of being re-arrested.' "

The subtle attempt to interpret Sheikh Abdullah's practice of reciting from the Koran, the beloved Holy Book of Islam, as fomenting religious passions is indicative of the extreme intolerance which is inherent in the minds of the rulers of India. It seems that this practice of Sheikh Abdullah, a practice of prayer and piety, which he maintained even in his days of collaboration with Mr. Gandhi and Mr. Nehru, has now become anathema to the Hindu temper of the Indian Republic. This intolerance is in fact the very danger that the Muslims of Kashmir, the preponderant majority of the State, fear most in being unnaturally linked to India.

To substantiate the accusation that Sheikh Abdullah was raising a private army for subversion and sabotage, the permanent representative of India has, in paragraph 5 of his letter, quoted from the *Daily Telegraph*, London, of 3 May 1958. The newspaper's correspondent discussed this very question with Bakhshi Ghulam Mohammed, India's puppet, on 1 May 1958. The relevant passage from his dispatch published in the *Daily Telegraph* of 2 May 1958 reads as follows (see app. I, sec. 1) :

"There were about 4,500 of them (Sheikh Abdullah's volunteers) shortly before his arrest. I asked (Bakshi

Ghulam Mohammed) : 'If Sheikh Abdullah's organization had grown into such a menace, how was it that 36 hours after his re-arrest there has still not been the slightest sign of protest from his followers?' The Prime Minister replied, 'We have been asking ourselves that. I have been a little surprised at the lack of any reaction so far. It seems to show that Sheikh Abdullah was a latent rather than an actual menace, but a menace he was.' When asked whether his prisoner would be brought to trial and given a chance to defend himself in public against these charges, Mr. Ghulam Mohammed was cautious. He said : 'We shall see. This matter is being gone into and I shall see what my legal experts recommend.' "

It would appear from the above that all that is necessary to deprive a person of his human rights in occupied Kashmir today under Indian dispensation is mere suspicion that he is a "latent menace". No overt culpable act on his part which all civilized codes of law require as the indispensable condition for criminal liability need be proved. In this connexion, a dispatch of *The Times*, London, dateline Kud, Kashmir, 11 June 1958; published in *The New York Times* of 12 June 1958 says as follows:

"Although Sheikh Abdullah is not on trial, it is commonly expected that the government hopes to implicate him. It was reluctant to put him on trial for various reasons, ranging from providing a public platform for him to the possibility that the trial might boomerang. The Sheikh is under arrest but no formal charges have been filed against him."

The connotation of the words "hopes to implicate him" and the "trial might boomerang" does not need any explanation. It illustrates the sham and shiftiness of India's attitude in this matter, which is further exposed by the following extract from a foreign observer's report :

"What can be dismissed as pretence is the suggestion being thrown out here that Abdullah's re-arrest was a purely local security decision which should be treated on that isolated plane."

(Dispatch datelined Srinagar, 30 April 1958
The Daily Telegraph, London, 1 May 1958)

In paragraph 8 of the letter of the representative of India, eleven excerpts have been given from the speeches of some political leaders in Pakistan which, according to him, show how "the authorities in Pakistan" are committing further violations of the resolution of the Security Council dated 17 January 1948. In the first place, the first five statements, as well as the last three quoted in this paragraph, emanate not from the authorities of the Government of Pakistan, but from people in Pakistan's public life. The Government of Pakistan would not care to deny that India's actions in Kashmir for more than ten long years have evoked the deepest resentment of the people of Pakistan and that this resentment has been, and will continue to be, expressed by the leaders of all shades of opinion in the country. In fact, these quotations only serve to throw into sharp relief the added burden that India's policy and attitude impose on the Government of Pakistan in restraining the people of the country and counselling them to continue to put their reliance on the ability of the United Nations to bring about a just and peaceful settlement of the problem. That the Government of Pakistan remains faithful in letter and and spirit to the Security Council resolution of 17 January 1948 is manifest from the following pronouncement made by the Prime Minister of Pakistan on 6 June 1958 :

"Bhera (Sargodha District) June 6 : Prime Minister Malik Firoz Khan Noon said here last evening that the public sentiments with regards to the Kashmir question had reached the highest pitch and that some people wanted to stage an agitation and cross the cease-fire line. "Continuing, the Prime Minister pointed out that Pakistan was committed in the United Nations to seek a peaceful solution of the Kashmir dispute. He said he

was still hopeful about the peaceful solution of both the Kashmir and the canal water disputes. He therefore warned the people not to be deceived by those who wanted to follow a path different from the one pursued by the Government."

(*Dawn*, 7 June 1958)

The point needs to be brought to the particular attention of the members of the Security Council that this conciliatory attitude has been made public not by the Government of Pakistan alone. Even the *Azad* Kashmir Government, despite extreme provocation, is making strenuous urge to denounce the cease-fire agreement on the ground that the agreements to which it was preliminary have not been honoured by India. This is clear from the following :

"*Rawalpindi June 5* : ...Replying to questions on the contemplated move of Chaudhri Ghulam Abbas for breaking the cease-fire line, Sardar-Mohammad Ibrahim reiterated that the campaign was untimely and detrimental to the interests of Pakistan and Kashmir".

(*Dawn*, Karachi, 6 June 1958)

That India should choose to ignore such counsels of moderation reflecting the peaceful intentions of the responsible authorities in Pakistan and *Azad* Kashmir and that it should instead seize upon utterances made in the anguish of spirit caused by its own suppression of the rights of Kashmiris, is proof of its intention to present an alibi to the world for its rejection of every reasonable proposal, including the latest proposals of Dr. Graham, United Nations Representative for India and Pakistan, to solve the Kashmir problem.

Lastly, the letter from the representative of India characterizes our letter of 6 May "a blatant attempt at interference with the internal affairs of Jammu and Kashmir, one of the constituent States of the Indian Union, a Member State of the United Nations". This is altogether a false assertion.

The state of Jammu and Kashmir is not one of the constituent states of the Indian Union : it is a territory in dispute and the question of its accession to India or to Pakistan has to be decided by a free and impartial plebiscite under United Nations auspices. This assertion made by the representative of India is an attempt to destroy the very basis of the actions of the Council which, from the very beginning, has held that the issue of accession is one to be settled by a fair and impartial plebiscite under the auspices of the United Nations. Both India and Pakistan are solemnly pledged to this course of action. It is the deliberate and repeated assertions of this outrageous character on the part of India that constitute a continual provocation to the people of Pakistan and Azad Kashmir and a blatant defiance of the authority of the United Nations. Such assertions are also in flagrant violation of the Security Council resolution of 17 January 1948.

I am instructed to repeat here that pending a fair and impartial plebiscite in Kashmir, which alone will constitute a final disposition of the State of Jammu and Kashmir in accordance with the wishes of the people and with the resolutions of the United Nations, my Government is bound to be actively concerned with conditions in Kashmir and will not abdicate its right, or depart from its duty, to draw the attention of the Security Council to any violations of the Council's resolutions to which both the parties stand committed.

I am instructed to request that this communication, together with its appendices, may be circulated as a Security Council document and brought to the notice of the members of the Council.

(Signed) Agha Shahi
*Minister Plenipotentiary
Acting Permanent Representative of
Pakistan to the United Nations*

Appendix I

**1.—Dispatch in the "Daily Telegraph"
of 2 May 1958**

Arrest in Kashmir Defended

Sheikh Abdullah "latent menace"

Private army, says Premier

From Gordon Shepherd

***Daily Telegraph* Special Correspondent**

Srinagar, Kashmir, Thursday.

Bakshi Ghulam Mohammed, Premier of Kashmir, described to me today why he ordered the re-arrest of Sheikh Abdullah, his main political opponent. He accused Sheikh Abdullah of conspiring with Pakistan to launch religious disturbances in Kashmir.

Sheikh Abdullah was seized at this house in Srinagar early on Wednesday and driven to Kud goal in the neighbouring province of Jammu. Ghulam Mohammed said: "We acted like any other Government would have done given the information in our possession. If Sheikh Abdullah had opposed me by normal means and has come forward with an alternative programme he would be free today. Instead, he preached Moslem fanaticism and that was too dangerous here for us to tolerate indefinitely."

I said: "Sheikh Abdullah began to use the religious appeal in mosque speeches soon after his re-arrest delayed?"

Given every chance—Refused to come round

Mr. Gulam Mohammed replied: "We could have acted long ago. But we wanted to give him every chance to see sense and come round. This he simply refused to do. There were also other considerations."

I asked whether Abdullah's reported secret contacts with Pakistan were among these "other considerations". At this question the Prime Minister removed his sunglasses and tapped them on the table for emphasis. He said: "There is no doubt that Sheikh Abdullah was in league with Pakistan. It was from there that in all probability he was getting the funds with which to raise his private army."

Carried sticks—Brigade of "Ansars"

Mr. Ghulam Mohammed's mention of a "private army" refers to the so-called Brigade of "Ansars" which Sheikh Abdullah was recruiting from his sympathisers. They wore a badge of inverted crossed swords and carried "lathis" or stout sticks as "weapons".

There were about 4,5000 of them shortly before his arrest. I asked: "If Sheikh Abdullah's organisation had grown into such a menace how was it that 36 hours after his re-arrest there has still been not the slightest sign of protest from his followers?"

The Prime Minister replied: "We have been asking ourselves that. I have been a little surprised at the lack of any reaction so far. It seems to show that Sheikh Abdullah was a latent rather than an actual menace. But a menace he was."

When asked whether his prisoner would be brought to trial and given a chance to defend himself in public against these charges Mr. Ghulam Mohammed was cautious. He said: We shall see. This matter is being gone into and I shall see what my legal experts recommend."

Mr. Ghulam Mohammed referred to the "nonsense" broadcast over Pakistan radio today that Kashmir was in a state of turmoil. He asked me to convince myself that there had been no mass arrests and that life is continuing normally.

Without a tour of the gaols the first point would be difficult to check. But as I reported yesterday, there is no reason to suppose that more than two of Sheikh Abdullah's supporters have been imprisoned with him.

The shops in Srinagar were all open today and busy ensnaring tourists in the usual manner. There is no curfew in the town and no sign of outward tension beyond the intensified armed police patrols.

Mr. Ghulam Mohammed seemed more apprehensive when I asked about the latest position on the cease-fire line with Pakistan. "Something might be tried there, but so far the line has remained absolutely quiet," he said.

Armies unchanged—Pakistan frontier

"There do not appear to have been any unusual movements of Pakistan troops and our own forces have not been changed." He concluded with a special appeal to Britain for sympathy with his position.

"Your people know these particular problems better than anyone. Indeed it is your old preventive detention legislation which we have used. Just look where we are on the map.

"Apart from Pakistan we have Russia, China and Afghanistan on our borders. In that exposed position political stability in our tiny state is an absolute essential."

Kashmir's desire—"All we want is peace"

"We just cannot afford to have any turbulence. All we want is to be left in peace to get on with our economic plan and do more to raise the living standard of our people. That counts far more in the long run than mass hysteria."

Mr. Ghulam Mohammed, who formerly served in Sheikh Abdullah's cabinet, is a powerfully built and confident man of 50.

It is impossible to comment on his statements until the evidence to which he referred is produced. Only a formal and public charge of high treason against Sheikh Abdullah would nullify criticism of the methods used in silencing him.

It is also impossible to predict whether the complete clam in Kashmir will last. Tomorrow, the Moslem Sunday, will be the test period.

Copy of editorial in the "Daily Telegraph" on 2 May 1953

Arrest in Kashmir

Those who hopefully looked on Sheikh Abdullah's release from five years' captivity as a conciliatory gesture by the Kashmir Government will have been dismayed by the circumstances of his re-arrest after three months of freedom. Today's despatch from our special correspondent in Srinagar provides little evidence of the symptoms of public disturbance which, according to the Prime Minister, Bakshi Ghulam Mohammed, his continued freedom was tending to provoke. It will not help to quote British precedents for such action without also listening to British experience. This preventive arrest of a political opponent can only damage the Government without in any way helping locally to reconcile Moslem and Hindu.

Mr. Nehru, who instigated Sheikh Abdullah's arrest in 1953, should find little to commend in this repetition. Kashmir has been his most damaging failure. This episode can only serve further to embarrass India. Whether Mr. Nehru now gives up his titular premiership or is persuaded by Congress to take only sabbatical leave, few can doubt that his will remain the most important influence that can be brought to bear upon the unhappy condition of Kashmir. It is unfortunate that it could not have been made more apparent on this occasion.

Dispatch in the "Daily Telegraph" on 3 May 1958

**Sabbath show of Force in Kashmir Valley
no Demonstration by Sheikh
Abdullah's Followers**

**From Gordon Shepherd
Daily Telegraph Special Correspondent**

Srinagar, Friday

The mosques of the lovely valley of Kashmir looked like military objectives today. It was the first Moslem sabbath after the re-arrest here of Sheikh Abdullah, the State's self-determination spokesman and religious extremist leader.

It is an open question whether Sheikh Abdullah's followers had intended to organize mass disturbances among the tens of thousands of Kashmiri Moslems who flocked to today's open-air ceremonies. But any plans that may have existed were abandoned before the parade of police and militia strength staged at every major centre of worship.

The day passed calmly and by nightfall the local security authorities were confident that the war of nerves had been won, at least for the time being. After visiting one or two shrines in Srinagar itself I drove out to the great Aazratball Mosque, six miles north-east of the capital on the shores of the famous Dal Lake.

Critical point—Scene of recent clash

This was where Sheikh Abdullah had delivered most of his "inflammatory" sermons during his three and a half month of short-lived freedom. It was the scene of a serious clash last March when one person was killed and several wounded.

If his adherents were going to show their hand anywhere this was the time and place. The Government's security precautions reflected this view.

I arrived with the first worshippers soon after mid-day and found three platoons of police lined up opposite the entrance. A few hundred yards away squads of militia men armed with rifles squatted on the grass, trying to look like part of the scenery.

This arrangement was repeated on the lakeside front of the mosque, where a narrow quay separates it from the water. An assortment of magistrates and uniformed officials had set up a sort of "operational headquarters" in a first-floor courtyard room from where they could watch developments.

"Pickpockets"—hopeful explanation

They made rather pathetic attempts to pretend that their presence meant nothing. I asked one of them what the miniature army below was for. "Pickpockets", he replied, looking at me hopefully.

By 1 p.m. over five thousand worshippers had assembled, the women squatting separately from the men for communal prayer. Police officials patrolled the fringes of the congregation.

Their shoulder titles disposed of any suggestion that this was a purely Kashmiri operation. Several were from the Central Indian Police Reserve.

I spoke to one Sikh captain from the Punjab Force. With his low-slung revolver and bullet belt he looked like a turbaned cowboy.

"I am sent wherever there is likely to be trouble", he said to me. "But I don't think we will see any today."

The only cries—lepers and vendors

He was right. At 4 p.m. the bulk of the crowd had dispersed quietly and the police and militia cordons followed

them. During the three hours the only shouts I had heard above the murmur of prayer were the cries of the lepers begging for aims and of the street vendors hawking everything from watermelons to coat-hangers.

There are divided views as to why this critical Friday passed off so peacefully. The authorities claim that it proves Sheikh Abdullah had no genuine supporters.

"Even his "private army", they say, was a purely mercenary force, paid £3 a month with Pakistan money. One Kashmiri, an evident sympathizer, told me on the other hand that Sheikh Abdullah had left strict instructions that no blood should be spilt if he were re-arrested.

This version sounds rather out of character. The simple truth seems to be that for his followers in Kashmir today there is little point in rising against hopeless odds, unless outside encouragement is forthcoming.

Extract of a letter, dated 11 June 1958, from the representative of India to the President of the Security Council (S/4024) [page 4 of the English text of the mimeographed document].

These activities of Sheikh Abdullah were well known in Pakistan and they had the continued support of the Pakistan Government, as the following from *Dawn* of Karachi, dated 8 May, will show :

Dawn, Karachi, 8 May 1958

"It is stated that some kind of a 'maquis' underground organisation may soon spring up in occupied Kashmir to defy Bakshi's authority. Sheikh Abdullah had planned such an organisation as part of his anti-Indian fight in occupied Kashmir, but the planning was not completed when he was re-arrested."

This was also notice by foreign correspondents. For example, the *Daily Telegraph*, London, of 3 May 1958, has the following report :

"Even his 'private army', they (Sheikh Abdullah's adherents) say, was a purely mercenary force paid £3 a month with Pakistan money."

It is well and widely known that conditions in Jammu and Kashmir are normal despite these attempts to create disorder. Already 25,000 tourists have visited the valley. Restrictions on the taking out of processions and the holding of political meetings without the previous permission of the district magistrate, imposed in March last, have been withdrawn in most places. Celebrations in connexion with the spring festival started throughout the valley on 19 May.

In spite of this and the reports of independent observers to this effect, Pakistan press and radio have been putting out false and tendentious reports to misrepresent conditions in Jammu and Kashmir, misleading the world, increasing tension between the people of India and Pakistan and promoting a war psychosis amongst their people, as will be seen from the following :

"Today's dispatch from our special correspondent in Srinagar provides little evidence of the symptoms of public disturbance. The shops in Srinagar were all open today and busy ensnaring tourists in the usual manner. There is no curfew in the town and no sign of outward tension beyond intensified armed police patrols."

Daily Telegraph, London, 2 May 1958

"It is three weeks now since Sheikh Abdullah, the former Prime Minister of Kashmir State, was released. Those who had expected fireworks or convulsions have been somewhat disappointed."

"Note from our own correspondent",
New Statesman, London, 31 January 1958

"Before the Kashmiri and Indian Governments accuse him (Sheikh Abdullah) of contributing to what neither they nor he wants, they should reflect that the only part which Sheikh Abdullah has been playing in the affairs of Kashmir for the past four years was that of a martyr, and that was their own fault. If in spite of their efforts Kashmir is still so inflammable that the words of one man—even if he is the 'Lion of Kashmir'—can set it alight, then Sheikh Abdullah's analysis of the feelings of Kashmiris would seem to be more accurate than the Kashmiri Prime Minister's. But nobody in his right mind will want any flames lit."

Manchester Guardian, 12 January 1958

Appendix III

"As I leave Kashmir after too short a visit the news reaches me that Bakshi, the Premier of Kashmir, has banned processions and demonstrations in the Valley. I am not surprised. Bakshi is a law-and-order man who knows all the tricks of control and is not at all afraid of the allegation that he is running a police state—a moderate one according to the standards of to-day, but tough and efficient. Since his release the Sheikh has been allowed to say anything he likes. He still draws big crowds and at one of his meetings, *where batches of police took part*, one man was killed, a lot injured and a great many arrested. A number of the Sheikh's leading supporters are in jail awaiting trial and Bakshi is obviously looking forward to time when there is no one to challenge his police.

Kingsely Martin
in *New Statesman*, 22 March 1958

"...Now, three months later, he (Sheikh Abdullah) walks behind the walls of his compound outside Srinagar, in full and tense awareness of the reports that 'Bakshi Sahib' is planning to arrest him again...Bakshi Ghulam Mohammed seems determined to put the Sheikh back in prison and is waiting for the right moment. This week news dispatches from Srinagar began appearing in the Indian press saying that strong action

was planned against the Sheikh...This burst of comment evidently was no accident. It seems to have been intended to prepare the public for the arrest of Sheikh Abdullah by April 21. That is the Moslem holy day of Id, when the people of this city gather on a great meadow. The theme of the Indian Press was that Sheikh Abdullah would make his customary appearance, inflame the public and cause violence, and that therefore he should be arrested before Id."

Dispatch datelined Srinagar, 12 April
The New York Times, 13 April 1958

"...Sheikh Abdullah's feeling towards the dominant National Conference Party and towards India may have remained bitter, but that can hardly have been a surprise. Nor can the violence that has accompanied some recent political meetings in Kashmir be blamed only on him. A State that is as tightly controlled as Kashmir leaves little room for orderly political campaigning and there is quite enough discontent, though of various kinds, to look to Sheikh Abdullah for leadership."

The Times, London. 16 April 1958

"Sheikh Abdullah talked fluently and tirelessly, with a surprising lack of bitterness or rancor, and an equal absence of false modesty—'One has to pay the penalty of being popular,' he remarked at one point...Remembering the 'old happy days' when he had been virtually a member of Mr. Nehru's family, he still could not understand how the latter had agreed to the coup *d'etat* against him."

Dispatch datelined Srinagar, 21 April
The Times, London, 25 April 1958

"Abdullah has failed,' he (Bakshi Ghulam Mohommed) declared confidently. 'When we decided to release him we did not know what to expect. We thought the whole valley would be in turmoil, but everything has remained quiet. We were prepared for a hard fight to retain our political following, but

not a single Government supporter in the Legislative Assembly has defected. We felt certain he would defy the ban on political meetings—after all, he says he does not recognize my Government as having any authority—but he has preferred to lie low.”

Dispatch datelined Srinagar, 26 April
The Times, London, 26 April 1958

“Certainly when he gave your correspondent his long interview in Srinagar last week, Sheikh Abdullah was living in almost ostentatious retirement, seldom leaving his house except for occasional appearance at public prayers. He declared that he had no intention of engaging directly in any political activity for the time being, as he did not wish to embarrass the Security Council in its efforts to find an agreed solution to the Kashmir Problem.”

Dispatch datelined New Delhi, 30 April
The Times, London, 1 May 1958

“There was little the Sheikh could do but consult with the few of his lieutenants the Prime Minister had allowed to remain out of jail, pace his garden and send warning that Mr. Bakshi was plotting to rearrest him.”

Dispatch datelined New Delhi, 30 April
The New York Times, 1 May 1958

“When he (Sheikh Abdullah) was released, after a fashion, last January, he showed no change of heart although he was scrupulous in refraining from any sort of incitement to violence. He made it plain, however, that he was not in agreement with India’s unilateral action in annexing Kashmir without reference to the wish of the Kashmiris.”

The New York Times, 3 May 1958

“The simple truth seems to be that for his (Sheikh Abdullah’s) followers in Kashmir to-day there is little point in rising against hopeless odds, unless outside encouragement is forthcoming.”

Dispatch datelined Srinagar, 2 May
Daily Telegraph, London, 3 May 1958

"The Chief Minister (Bakshi Ghulam Mohammed) said Sheikh Abdullah had been released to give him the opportunity to adopt a more 'realistic approach', which he had failed to do. He repeated the charge that Sheikh Abdullah had been receiving funds from Pakistan and distributing uniforms to private forces of volunteers, though with some inconsistency he added that the situation in Kashmir was absolutely normal and that there had been no demonstrations worth mentioning in protest against the rearrest".

Dispatch datelined New Delhi, 6 May
The Times, London, 6 May 1968

(Source: UN Document no. 4032)

Letter dated 6 July 1958 from the representative of India Arthur S. Lall to the President of the Security Council

In the interests of the functioning of the United Nations in accordance with the spirit and the letter of its Charter, it may well be best entirely to ignore the intemperate communication of 19 June 1958 addressed to you by the acting permanent representative of Pakistan and circulated as document S/4032. However, members of the Security Council in particular, and Members of the United Nations in general, will probably wish to know the facts relevant to the contents of the uncalled-for letter from the representative of Pakistan. I will therefore deal very briefly in this letter with some of the major misrepresentations contained in that letter.

In paragraph 3 of his letter, the acting permanent representative of Pakistan attacks in a most extraordinary manner my use of the *Daily Telegraph* of London (issue dated 2 May 1958). It is perfectly admissible to use two extracts from the same publication—whether book or newspaper—in the form of a composite quotation. This is what was done in my letter of 11 June [S/4024]. If the acting permanent representative of Pakistan had only troubled to read the letter carefully, he would have noticed a hyphen which breaks the quotation into two distinct parts. The first part, which is underlined by him, serves as a kind of heading or introductory passage for the distinct

succeeding part which includes the essence, in the words of the special correspondent himself, of the dispatch mentioned in the first part of this composite quotation. I am sorry that this juxtaposition of two salient facts which naturally caused much discomfort to the representative of Pakistan, should have resulted in so much unfortunate vituperation and waste of words and effort by him.

Incidentally, the representative of Pakistan has sought to support his untenable position by attaching as appendix I to his letter an alleged photostat copy of the relevant news despatch in the *Daily Telegraph* of 2 May 1958. I will refer a little later in this letter to the curious document furnished by him.

In paragraph 5 of his letter, the acting permanent representative of Pakistan seeks to make much of the parenthetical phrase inserted in the last quotation in paragraph 5 of my letter of 11 June 1958. I would request you kindly to re-read that part of my letter. It will be observed that the parenthetical portion inserted in the quotation from the *Daily Telegraph* of 3 May 1958 is meaningless in its present position. Obviously it was purely by a typographical error that it had been inserted after the pronoun "they" instead of before it. The words in parenthesis are meaningful and pertinent to the point contained in paragraph 5 of my letter of 11 June 1958 only if they are placed before the pronoun "they" instead of after it. I would request you therefore kindly to read that quotation with this correction. I am grateful that the attempted mudslinging by the representative of Pakistan has at any rate afforded us an opportunity to correct this typographical error and thereby to give added meaning to my own letter of 11 June 1958.

In the light of the foregoing remarks, the general accusations made by the acting permanent representative of Pakistan in various paragraphs of his letter are clearly groundless and do not warrant any further attention or comment.

In paragraph 3 above I have referred to the photostat of the news despatch in the issue of the *Daily Telegraph* of London of 2 May. I am unaware of the edition of the *Daily Telegraph* to

which the acting permanent representative of Pakistan is referring. With the present letter I am filing the original of the news dispatch as it appeared in the *Daily Telegraph* of 2 May, and I am reproducing a copy as an appendix to this letter. It will be observed that the text of the original dispatch filed with this letter, and the copy attached by me as an appendix, differ materially from the alleged photostat produced by the acting representative of Pakistan. For example, in the alleged photostat the words, "It seems to show that Sheikh Abdullah was a latent rather than an actual menace. But a menace he was", are put in the mouth of the Prime Minister of Jammu and Kashmir. The text of Mr. Gordon Shepherd's dispatch, which I have filed with this letter, shows that these words were not uttered by the Prime Minister of Jammu and Kashmir. They are part of the comments made by the *Daily Telegraph* correspondent immediately following his quotation from the remarks of the Prime Minister which ends with the sentence, "I have been a little-surprised at the lack of any reaction so far." Thus the representative of Pakistan, in order to bolster the incorrect meaning which he wishes to give to the words of the Prime Minister of Jammu and Kashmir, has attributed to him words which in fact he did not use.

The following portions of Mr. Gordon Shepherd's published dispatch which are contained in the text filed with this letter have been omitted from the alleged photostat filed by the acting permanent representative of Pakistan.

"When we had finished he strolled across the lawn to some benches where an assortment of Kashmiri were collecting. It was one of his twice-weekly general audience hours when any citizen is allowed to come in and present his grievances. Today's gathering, I was told, was neither more nor less than usual."

"...But the indications so far are that Sheikh Abdullah's followers are not getting very hot under their astrakhan hats and are finding discretion the better part of valour."

As I have said, I do not know where the representative of Pakistan has procured his photostat, but it is quite clear that the portions which were omitted from his alleged photostat, and which appear in the original publication, do not assist his ill-founded contentions.

The acting permanent representative of Pakistan seeks to justify his totally unconstitutional and supererogatory interest in the affairs of a constituent State of the Indian Union. Since Jammu and Kashmir acceded to the Indian Union in accordance with the terms of the statutory procedures laid down by an Act of the Parliament of the United Kingdom—the Government of India Act, 1935—and since these procedures have been accepted by the Governments of India and Pakistan, there can be no question that the type of interest which the acting permanent representative of Pakistan is taking in the domestic affairs of India is in violation of Article 2, paragraph 1, of the United Nations Charter. Moreover as repeatedly pointed out by India's representatives in the Security Council, not only is the fact that the State of Jammu and Kashmir is a constituent State of the Indian Union the basis of India's original complaint to the Security Council, but it is also the basis of the resolutions of the United Nations Commission for India and Pakistan dated 13 August 1948 [*S/1100, para. 75*] and 5 January 1949 [*S/1100, para 15*] and of the assurances given by that Commission to the Prime Minister of India on behalf of the Security Council.

Finally, it is necessary to draw attention to the two quotations contained in paragraph 13 of the letter from the acting permanent representative of Pakistan. Statements of this character are unfortunately the exception in Pakistan and must be read alongside the continuous outpouring of vehement and warlike words emanating from responsible persons, journals of opinion and newspapers in Pakistan some of which were cited in my letter of 11 June 1958. Presumably, it was the intention of the representative of Pakistan, to lull the apprehensions both of the Security Council and of India by citing small portions from only two statements. However, rare utterances of this kind amount to no more than lip service to the compre-

hensive appeal for all measures calculated to improve the situation which was contained in the Security Council resolution of 17 January 1948 and to which both India and Pakistan pledged their adherence. Their impact of the situation and their value in terms of the Security Council resolution are entirely lost in the context of the frequently reiterated and growing volume of statements from Pakistan indulging in threats of force.

I request that this communication be circulated as a Security Council document and brought to the notice of the members of the Security Council.

(Signed) Arthur S. LALL
*Ambassador Extraordinary and Plenipotentiary,
Permanent Representative of India
to the United Nations*

APPENDIX

Dispatch published in the Daily Telegraph of 2 May 1958 :

SHRIKH "IN LEAGUE WITH PAKISTAN"
Kashmir Premier Defends Arrest of "Menace"
From Gordon Shepherd
Daily Telegraph Special Correspondent
Srinagar, Kashmir, Thursday

Bakshi Ghulam Mohammed, Prime Minister of Kashmir, described to me today the reasons which led him to order the re-arrest of Sheikh Abdullah, his principal political opponent. He accused Sheikh Abdullah outright of conspiring with Pakistan to launch religious disturbances among the Kashmir people.

Sheikh Abdullah was seized at his house in Srinagar early on Wednesday and driven to Kud gaol in the neighbouring province of Jammu. Gholam Mohammed said ; "We acted like any other Government would have done given the information in our possession. If Sheikh Abdullah had opposed me by normal means and had come forward with an alternative programme he would be free today. Instead he preached Moslem fanaticism and that was too dangerous here for us to tolerate indefinitely."

I said : "Sheikh Abdullah began to use the religious appeal in mosque speeches soon after his release from captivity in January. Why was his re-arrest delayed ?"

Given every chance—Refused to come round

Mr. Ghulam Mohammed replied : "We could have acted long ago. But we wanted to give him every chance to see sense and come round. This he simply refused to do. There were also other considerations."

I asked whether Abdallah's reported secret contacts with Pakistan were among these "other considerations". At this question the Prime Minister removed his sunglasses and tapped them on the table for emphasis. He said : "There is no doubt that Sheikh Abdullah was in league with Pakistan. It was from there that in all probability he was getting the funds with which to raise his private army. I cannot say more on this now as a statement is being prepared on his activities which I may make myself in a few days."

Carried sticks—Brigade of "Ansars"

Mr. Ghulam Mohammed's mention of a "private army" refers to the so-called Brigade of "Ansars" which Sheikh Abdullah was recruiting from his sympathizers. They wore a badge of inverted crossed swords and carried "lathis", or stout sticks, as "weapons".

There were about 4,500 of them shortly before his arrest. I asked : "If Sheikh Abdullah's organisation had grown into such a menace how was it that 36 hours after his re-arrest there has still been not the slightest sign of protest from his followers ?"

The Prime Minister replied : "We have been asking ourselves that. I have been a little surprised at the lack of any reaction so far."

A latent menace—Question of Public Trial

It seems to show that Sheikh Abdullah was a latent rather than an actual menace. But a menace he was. When asked

whether his prisoner would be brought to trial and given a chance to defend himself in public against these charges Mr. Ghulam Mohammed was cautious. He said : "We shall see. This matter is being gone into and I shall see what my legal experts recommend."

Mr. Ghulam Mohammed referred to the "nonsense" broadcast over Pakistan radio today that Kashmir was in a state of turmoil. He asked me to convince myself that there had been no mass arrests and that life is continuing normally.

Without a tour of the gaols the first point would be difficult to check. But as I reported yesterday, there is no reason to suppose that more than two of Sheikh Abdullah's supporters have been imprisoned with him.

The shops in Srinagar were all open today and busy ensnaring tourists in the usual manner. There is no curfew in the town and no sign of outward tension beyond the intensified armed police patrols.

Mr. Ghulam Mohammed seemed more apprehensive when I asked about the latest position on the cease-fire line with Pakistan. "Something might be tried there, but so far the line has remained absolutely quiet," he said.

Armies unchanged—Pakistan Frontier.

"There do not appear to have been any unusual movements of Pakistan troops and our own forces have not been changed." He concluded with a special appeal to Britain for sympathy with his position.

"Your people know these particular problems better than anyone. Indeed, it is your old preventive detention legislation which we have used. Just look where we are on the map. Apart from Pakistan we have Russia, China and Afghanistan on our borders. In that exposed position political stability in our tiny state is an absolute essential."

Kashmir's desire—"All We Want is Peace"

"We just cannot afford to have any turbulence. All we want is to be left in peace to get on with our economic plan and do more to raise the living standard of our people. That counts far more in the long run than mass hysteria."

Mr. Ghulam Mohammed, who formerly served in Sheikh Abdullah's Cabinet, is a powerfully built and confident man of 50. Our talk took place in the garden of his rather frowsy red-brick villa in the centre of the town.

When we had finished he strolled across the lawn to some benches where an assortment of Kashmiri were collecting. It was one of his twice-weekly general audience hours when any citizen is allowed to come in and present his grievances. Today's gathering, I was told, was neither more nor less than usual.

Dubious methods—Public Hearing Needed

It is impossible to comment on his statements until the evidence to which he referred is produced. Only a formal and public charge of high treason against Sheikh Abdullah would nullify criticism of the methods used in silencing him.

It is also impossible to predict whether the complete calm in Kashmir will last. Tomorrow, the Moslem Sunday, will be the test period. But the indications so far are that Sheikh Abdullah's followers are not getting very hot under their astrakhan hats and are finding discretion the better part of valour.

(Source : UN Document no. S/4042)

Letter dated 30 July 1958 from the representative of Pakistan Aly Khan to the President of the Security Council.

I am instructed to refer to the letter addressed to you by the representative of India and circulated as document S/4042 dated 7 July 1958.

My Government trusts that the Security Council will note the inability of the permanent representative of India to disprove

the charge of misrepresentation to which he exposed himself by wilfully altering press reports, adduced as evidence in his letter of 11 June 1958 [S/4024]. It is clear that he has chosen justify only two of the many examples of misrepresentation which were pointed out by my delegation. My Government would leave it to the fair judgement of the Security Council to decide whether or not his pleas are legitimate and worthy of a Member of the United Nations.

As regards the distortion pointed out by us in paragraph 3 of our letter of June 1958 [S/4032], the permanent representative of India pleads the right of what he calls "composite quotation" [S/4042 para 2]. The actual "composite quotation", which he is thus trying to justify, involved the joining together of two sentences by two different authors in two different contexts, the suppression of part of one of these sentences and the concealment and perversion of the sense of the original. The question, therefore, is not difficult to decide whether such "composite quotation" is permissible and in conformity with the dignity of the United Nations.

As regards the distortion pointed out by my delegation in paragraph 5 of our letter of 19 June 1958, the permanent representative of India pleads "typographical error". Here again my Government is confident that a careful reading of his letter of 11 June 1958 will reveal that the insertion of the parenthetical phrase in the quotation was meaningful and and could only be deliberate. The correction now suggested by him (paragraph 4 of his letter of July) would make this insertion—"Sheikh Abdullah's followers", referring to "his private army"—not only redundant, but completely pointless.

In order to escape the onus of proof which our letter of 19 June 1958 placed on him, the permanent representative of India has tried to question the authenticity of the photostat submitted by us with that letter. I am, therefore, enclosing the original newspaper. *The Daily Telegraph*, 4 a.m. edition of Friday, 2 May 1958—which, I am certain, will remove all doubts about our scrupulous adherence to the text in every

detail. An inspection of the original will reveal that our letter did not attribute any words to the so-called Prime Minister of Indian-occupied Kashmir which he had not been publicly quoted as having uttered and also that we did not suppress any portion of the dispatch in question. The original newspaper—title, mast-head and all—falsifies every one of the assertions which the permanent representative of India has laboriously made in paragraphs 6 and 7 of his letter of 6 July 1958.

It is necessary to recall here that my Government attached importance to the contents of the letter of the permanent representative of India dated 11 June 1958 only for the reason that they showed his startling techniques of misleading the Security Council in particular and world opinion in general. My Government deeply regrets that, instead of straightforwardly admitting errors, the permanent representative of India is persisting in them. The spectacle is not heartening for any Member of the United Nations that a fellow Member should permit itself to adopt the practices which India's representatives have employed in the course of this correspondence and on other occasions before the Security Council.

In paragraph 8 of his letter of 6 July 1958, the permanent representative of India has made several statements which are baseless and highly provocative. In the face of the obligations arising from the resolutions of the United Nations Commission for India and Pakistan, duly accepted by both parties and thus constituting an international agreement between India and Pakistan with regard to Kashmir, the invocation of Article 2, paragraph 7, of the United Nations Charter reflects not only an aggressive colonialist position but, in this context, a positively frivolous attitude. The belated assertion now being repeated *ad nauseam*, that Jammu and Kashmir is a constituent state of the Indian Union and thus a matter of India's domestic jurisdiction is contradicted by statements which are on public record as having been made by the Prime Minister of India himself. Further-more, I must mention here that is a basic rule of international law that no State shall advance the provisions of its domestic constitution as a reason for its failure

to discharge any obligations arising from an international treaty or agreement. These assertions of the permanent representative of India, therefore bring into grave question his Government's compliance with the rules and norms of international behaviour and its ability and willingness to discharge the obligations under the Charter of the United Nations, with reference particularly to Articles 2 paragraphs 2 and 3, Article 4, paragraph 1 and Article 25 thereof. I must emphasize here that the defiance of the authority of the United Nations which these assertions indicate assumes a particularly grave character at a time when my Government is confronted with critical issues with regard to the situation in Jammu and Kashmir, With a view to assisting the Security Council in the appreciation of this situation, I am instructed to recall here the letters of 25 June 1958 [S/4036] and 15 July 1958 [S/4048] addressed by this delegation to you.

I request that this communication be circulated as a Security Council document and brought to the notice of the members of the Security Council.

(Signed) Aly KHAN
*Ambassador Extraordinary and Plenipotentiary,
Permanent Representative of Pakistan
to the United Nations*
(Source : UN Document no. S/4070)

Letter dated 10 November 1958 from the representative of Pakistan Aly Khan to President of Security Council.

I have been directed by my Government to invite the attention of the Security Council to the grave conditions now being created in that portion of Jammu and Kashmir State which is under Indian occupation.

According to reports published in the Press, Sheikh Abdullah the acknowledged leader of the people of Kashmir, along with other prominent leaders like Mirza Afzal Beg, Maulvi Mohammad Saeed Khawaja Ali Shah. Ghulam Mohiuddin, Soofi Mohammad Akbar and Khawaja Ghulam

Qadir, is being brought to a stagemanaged trial for alleged conspiracy against the State with the aim of facilitating the annexation of the territory of that State by Pakistan. The extraordinary nature of this trial and international implications of the charge are obvious from two undisputed facts. Firstly, according to the international agreement between Pakistan and India on the one hand, and between them and the United Nations on the other the question whether the territory of Jammu and Kashmir should form part of India or of Pakistan is open to decision by the people of the State through a free and impartial plebiscite. Secondly, the leaders of the people of Kashmir, who are now being tried have been demanding the implementation of that agreement. From these facts, it is obvious that this trial is a political manoeuvre and an attempt to suppress and intimidate those within the State who continue to demand the implementation of the Security Councils resolutions regarding the accession of the State. My Government, therefore, strongly believes that this action on the part of India connotes a clear defiance not only of the authority and decisions of the United Nations, but also of the international engagements which bind both India and Pakistan in regard to the disposition of the Jammu and Kashmir State.

In this connexion, it is pertinent to quote some comments, on the so-called trial, which have been made by an impartial journal. *The New York Times*. In its issue of 26 October 1958, the paper commented editorially :

"In the long and sometimes tortuous political career of the 'Lion of Kashmir', Sheikh Abdullah, nothing has done him more credit than the charge upon which, at long last he has now been brought to trial. Ostensibly he is being trial for conspiracy against the Indian-controlled Kashmiri Government with a view to promoting Kashmir's adherence to Pakistan. Actually this sposed 'conspiracy' is alleged to have taken place during the more than four years during which Sheikh Abdullah was already under house arrest.

"His 'crime' is well known to all, his friends and

accusers alike. He 'deviated' from his allegiance to India and proposed a free election in Kashmir. He was promptly arrested and silenced.

"India will gain no stature from this manoeuvre. The world already knows that what the 'Lion of Kashmir' proposed was a free vote. If that is a crime, then India's claim to Kashmir is obviously an arbitrary seizure of power and fails of its own injustice."

It hardly needs any emphasis before the Security Council that India's allegations against the Kashmir leaders are false and frivolous. The utterances of these leaders inevitably crystallized their people's resentment against the subjugation and tyranny to which they have been subjected by India. This resentment has been aggravated throughout the State by India's disregard of the continuing concern of the United Nations in the Kashmir dispute and her open declaration that, despite her solemn commitments to the contrary, she regards the so-called accession of the State of Jammu and Kashmir to the Indian Union as final and binding.

The Government of Pakistan take a very serious view of these developments and want to place on record their emphatic belief that these developments will embitter relations between the two countries and render still more difficult an amicable settlement of the Kashmir dispute.

I request that this letter be circulated to the member of the Security Council document.

I shall of course, continue to keep the Council informed of the views of the Government of Pakistan in regard to these grave developments.

(Signed) Aly KHAN
*Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Pakistan
(Source : UN Document No. S/4110)*

**Letter dated 15 December 1958 from the representative of India
Arthur S. Lall to the President of the Security Council**

The Government of India have seen the letter from the permanent representative of Pakistan circulated as Security Council document S/4110 dated 10 November 1958.

Members of the Council will be aware of the nature of the previous statements made by successive representatives of Pakistan in the Security Council or in their communications addressed to the President of the Security Council about Sheikh Abdullah. These are on record in Security Council documents. It is quite clear, therefore, that present communication is merely for the purpose of making propagandist use of the forum of the United Nations.

The legal proceedings in regard to Sheikh Abdullah are *sub judice*, and it would, therefore not be proper for the Government of India to comment on them. However, out of courtesy to the Security Council and Government of Pakistan, the Government of India have instructed me to send this brief reply to the letter dated 10 November 1958 of my colleague from Pakistan.

Correspondence of this nature hardly helps to promote friendly relations between our two countries, which it is the policy of the Government of India to further. The Government of India have always been and continue to be reluctant to participate in acrimonious charges or to utilize the forum of the United Nations for such purposes.

I am to request that this letter be circulated to Members of the Security Council.

(Signed) Arthur S. LALL
*Ambassador Extrarodinary and Plenipotentiary
Permanent Representative of India
to the United Nations*
(Source : UN Document No. 4138)

Letter dated 27 January 1959 from the representative of Pakistan Agha Shahi to the President of the Security Council

I have the honour to refer to the letter of the permanent representative of India, dated 15 December 1958, circulated as document S/5138 of 17 December 1958.

The communication from my Government [S/4110], which the letter under reference purports to answer, sought to bring a grave development in Jammu and Kashmir to the knowledge of the Security Council, it is astonishing that the Government of India should construe this as making a propagandist use of the forum of the United Nations. Since the question of Jammu and Kashmir continues to be a matter of dispute between India and Pakistan, which is under the consideration of the United Nations, it is my Government's duty to keep the Security Council currently informed of all pertinent and developing facts. The accusation that my Government seeks thereby to reap the advantages of propaganda is, therefore, wide of the mark and cannot deflect it from the course of duty.

The fact that Sheikh Mohammed Abdullah, the acknowledged leader of 4 million people of Kashmir, is being brought to a stage-managed trial, solely because he has been demanding the implementation of the Security Council resolutions, is, in my Government's View, a fact of ominous significance and a matter of immediate concern to the United Nations. The sheer political motivation of this action on the part of the Government of India being evident, it is not possible to accept the plea that the so-called legal proceedings in this regard are *sub judice* and, therefore, preclude any comment at this stage.

My Government takes note of the statement made by the permanent representative of India that it is the policy of his Government to promote friendly relations between India and Pakistan and, therefore, to avoid acrimonious exchanges. The Government of Pakistan would whole-heartedly reciprocate this sentiment if any sign were visible that it was not confined to the purely verbal plane. We have tried consistently to impress the Government of India that it is not by the occasional friendly word, accompanied by the consistently provocative deed, that

good neighbourly relations can be established between India and Pakistan. Such relations between the two countries can only be established by a tangible move towards the settlement of their mutual disputes in accordance with the Charter of the United Nations and the resolutions of the Security Council to which both are solemnly pledged. My Government cannot believe that the Government of India has any serious intention of honouring its commitments when it persists in aggravating the situation by persecuting the leaders of Jammu and Kashmir, who only demand the implementation of the accepted decisions of the Security Council.

I request that this letter be circulated to member of the Security Council as a Council document.

(Signed) AGHA SHAHI
*Acting Permanent Representative of Pakistan
 to the United Nations*

(Source : UN Document No. S/4152)

Letter dated 5 February 1959 from the representative of Pakistan Agha Shahi to the President of the Security Council

Under instructions from my Government, I have the honour to request you kindly to refer to my letter, dated 30 December 1958, which was issued as document S/4143 of 30 December 1958.

I deeply regret to report that the apprehension expressed by this delegation about the inquiry into the cause of the mysterious death of Mr Ghulam Mohammad Shaikh has been justified by later events. It seems that a mock inquiry was conducted by the Indian-sponsored regime in Kashmir, through a subservient magistrate, and the convenient finding has been obtained that Mr. Shaikh died of natural causes. The sombreness and gravity of this event have been further deepened by the news that has since been received in Pakistan that Mr. Mohammad Abdullah Majaz, Office Secretary of the Kashmir Political Conference, also died last month in Indian-held Kashmir. Mr. Majaz had been recently released from jail. It reported that at the

time of his release his health was in a precarious state evidently caused by the torments of political imprisonment in Indian-occupied Kashmir.

Other reports received in Pakistan reveal that the physical condition of prominent leaders in the Jammu and Kashmir State, put behind the bars by the Indian-sponsored regime with the connivance of the Government of India, is deteriorating steadily. The First General Secretary of the Kashmir Political Conference, Munshi Mohiuddin, was released on 20 December 1958, from the Pachutkud jail in a critical state of health after about three years of detention. Mr. Ghulam Mohiuddin Kara, the Founder-President of the Kashmir Political Conference, Khwaja Ghulam Mohammad Mir, Mohammed Sultan Khan, Khwaja Ghulam Mohammad Butt and Khwaja Badruddin Hando, members of the Organizing Committee, who have been lodged in jail for three to six years, have fallen prey to various serious ailments. Certain other Kashmir Political Conference leaders, including Mohammad Amin Nahvi, Sher Abdul Aziz, Khwaja Abdul Hamid Kara and Khwaja Mohammad Abdullah Paul, who were detained in Srinagar Central Jail, have been suffering from serious diseases for the last few months.

Above all, the Indian-sponsored regime has withdrawn the detention order of Sheikh Abdullah himself for the sole purpose of depriving him of the special treatment to which the former Premier of Kashmir was entitled under the law. As a result of this order, Sheikh Abdullah is being treated as an ordinary criminal defendant. This will obviously jeopardize the safety of the veteran leader of Kashmir, and also hamper his defence in his stage-managed trial. I need hardly point out that this will rouse the deep anger of the people of both Kashmir and Pakistan.

I request that this letter be circulated to the members of the Security Council as a Council document.

(Signed) Agha SHAHI
Acting Permanent Representative
of Pakistan to the United Nations

(Source : UN Document no. 4157)

**Letter dated 4 March 1959 from the representative of India
C.S. Jha to the President of the Security Council**

The Government of India deplore the practice adopted by the permanent representative of Pakistan to avail himself of the forum of the Security Council to make baseless allegations against India. We regret that his letter dated 17 December 1958 [S/4139] is yet another instance in point.

I do not wish to deal with extraneous and unrelated matters in the letter of my colleague, the permanent representative of Pakistan. My predecessor's letter dated 24 October 1958 [S/4107] states the true position. Pakistan has no *locus standi* in Jammu and Kashmir, which is Indian territory. This has been made indisputably clear not only in the three resolutions mentioned in my predecessor's letter but also in the various assurances which the United Nations Commission for India and Pakistan gave to the Prime Minister of India. These assurances are recorded on pages 57-63 of the *Supplement for January, February and March 1957* (Official Records of the Security Council, Twelfth Year).

The right to maintain an army for the security of the territory is an essential attribute on sovereignty. Has Pakistan been authorized to maintain any armed force in Kashmir under the Security Council resolution of 17 January 1948 or the resolutions of the United Nations Commission for India and Pakistan of 13 August 1948 [S/1100, *para 15*] and 5 January 1949 [S/1196, *para 15*] ? On the other hand, have these resolutions and the United Nations Commission not recognized India's right to maintain its army in Kashmir for its security and the maintenance of law and order ? These are among the tests of sovereignty and the members of the Security Council are well aware of the replies to these questions given by them in the past. In paragraph 228 of its third interim report [S/1430], the United Nations Commission places the matter beyond doubt :

"Four principles were agreed to by the Governments of India and Pakistan in connexion with the withdrawal of forces from the State : by Pakistan, that (a) its troops are to withdraw from the State; and that (b) it will use its best endeavours to secure the withdrawal of tribesmen and Pakistan nationals summary resident. In the State who entered for the purpose of fighting; by India, that (a) it will begin to withdraw the bulk of its forces in stages to be agreed upon with the Commission once the Commission has notified it that the tribesmen and Pakistan nationals have withdrawn and that Pakistan forces are 'being withdrawn; and that (b) the Government of India will maintain within the lines existing at the moment of the cease-fire such forces as are considered necessary to assist local authorities in the observance of law and order."

The member of the Council are aware that the issue of Kashmir is not a territorial dispute between Indian and Pakistan. It is a "situation" which has arisen out of Pakistan's aggression against which India complained to the Security Council under Chapter VI of the Charter of the United Nations. The Council described it as such in its resolution of 17 January 1948. The preamble of this resolution states :

"The Security Council,

"Having heard statements on the Situation in Kashmir from representatives of the Government of India and Pakistan..." (Our italics.)

The United Nations Commission adopted the same description in its resolution of 13 August 1948, the preamble of which states :

"The United Nations Commission for India and Pakistan,
"Having given careful consideration to the points of view expressed by the representatives of India and Pakistan regarding the situation in the state of Jammu and Kashmir..." (Our italics.)

There is nothing in the quotations given in the Pakistan permanent representative's letter to show that Sir Owen Dixon, the United Nations Representative for India and Pakistan, ever revised his opinion about Pakistan's breach of international law when it committed aggression against the Indian territory in Kashmir. The arguments which he has put forward in paragraphs 6 and 7 of his letter [S/4139] require no further comment. As for the view of the representative of Argentina at the 245th meeting of the Security Council, which he has quoted, it is at variance with the views expressed by some other members of the Security Council from time, for example :

The representative of Netherlands at the 611th meeting :

"We know of course that in 1947 the then ruler of the State of Jammu and Kashmir acceded to India by an instrument which was accepted by the then Governor-General of India, Lord Mountbatten. We also heard what the Foreign Minister of Pakistan had to say on that subject.

"We know that this act of accession has had an influence on the position which the Government of India has so far taken on the problem of demilitarization and on India's responsibilities as regards the security of the State of Jammu and Kashmir.

"The final disposition of the armed forces remaining in the State of Jammu and Kashmir after the implementation of the truce agreement was to be left to the impartial Plebiscite Administrator, in consultation with Indian Government on the one side of the cease-fire line and with the local authorities—not the Pakistan Government—on the other side. In this, India's special position in view of the historical development of the case found a certain degree of recognition." [611th meeting, paras. 5, 6 and 10.]

The representative of Colombia at the 768th meeting :

"Secondly, the Commission never recognized the legality of the presence of Pakistani troops in Kashmir." (768th meeting; para, 65.)

I request that this letter be circulated to the members of the Security Council as a Security Council document.

(Signed) C.S. Jha
*Ambassador Extraordinary and plenipotentiary,
Permanent Representative of India
to the United Nations*

(Source : U N Document no. S/4169)

**Letter dated 5 March 1959 from the representative of India
C.S. Jha to the President of the Security Council**

The acting permanent representative of Pakistan has in his letter dated 27 January 1959 (S/4152) continued the acrimonious tone of his communications and to misstate the facts and the principles of law applicable to the situation.

I should like to repeat that it is the policy of my Government to promote friendly relations between India and Pakistan. That this policy is not purely on the "verbal plane", as the representative of Pakistan alleges, is clear from the fact that my Government, despite provocations, continue their efforts to reach peaceful and negotiated settlements on various matters with the Government of Pakistan, though it has been established that they committed aggression on Indian territory in Kashmir and have continued and consolidated their aggression. The first step, as recommended by the United Nations Commission for India and Pakistan and endorsed by the Security Council to deal with the Kashmir situation, is that Pakistan should vacate their aggression in Kashmir.

As regards Sheikh Abdullah's trial, this is an internal matter to be dealt with by the Government of Jammu and Kashmir in the discharge of their responsibility for maintenance of law and order. The Government of Pakistan has

no *locus standi* in this matter. It is curious, however, that while the permanent representative of Pakistan, in his letter of 6 May 1958 (S/4003), took exception to the fact that Sheikh Abdullah was not being tried under ordinary law, he, in his letter under reference, now objects to Sheikh Abdullah's trial under ordinary law. These contradictory positions, show that the object of this entire correspondence, conducted through the forum of the United Nations, is purely propagandist.

I request that this letter be circulated to the members of Security Council as a Security Council document.

(Signed) C.S. JHA
*Ambassador Extraordinary and Plenipotentiary,
 Permanent Representative of India
 to the United Nations*

(Source: UN Document no 4170)

Letter dated 31 March 1959 from the representative of India to the President of the Security Council

The permanent representative of Pakistan, in his letter dated 30 December 1958 (S/4143), has made allegations which are baseless. These constitute a further attempt to use the forum of the United Nations for tendentious propaganda. In the present instance, Pakistan also seeks once again to interfere in the internal affairs of Jammu and Kashmir. However, in deference to the United Nations, I have the honour to set forth the following facts.

The Government of Jammu and Kashmir have, in the discharge of their normal responsibility for law and order, dealt with the matters which are the subject of these baseless allegations and there has been a judicial inquiry. The following findings of the judicial inquiry regarding the death of Mr. Gulam Mohammad Sheikh were published by the Government of Jammu and Kashmir on 3 January 1959.

"The death was due to heart failure. The deceased did not show any signs of ailment on any previous occasion.

Only a few days earlier, he had been examined by a Medical Board in connexion with the disposal of certain bail applications and he was found to be enjoying sound health."

I request that this letter be circulated to the members of the Security Council as a Security Council document.

(Signed) C.S. Jha
*Ambassador Extraordinary and Plenipotentiary,
Permanent Representative of India
to the United Nations*

(Source: UN Document S/4177)

Letter dated 7 May 1959 from the representative of Pakistan Agha Shahi to the President of the Security Council

Under instructions from my Government, I have the honour to refer to the to letters dated 4 March 1959 and 5 March 1959, from the permanent representative of India, which have been respectively issued as documents S/ 4169 and S/4170.

We regret that these two letters signify yet another attempt on the part of the permanent representative of India to revive all those arguments which have been long since refuted in the Security Council and which have found no acceptance from impartial public opinion throughout the world.

The arguments advanced by the permanent representative of India in his letter of 4 March 1959, for example, are precisely those which have been heard from his predecessors before, and rejected by the Security Council. These include that interesting exercise in semantics¹ which related to the two terms "situation and dispute". I have no wish to join in this hair-splitting or to elaborate the points in reply by means of this correspondence. Pending a further discussion of the subject in the security Council itself, I would only rely on the Council's own record and knowledge of its deliberations as

providing the most effective reply to all the assertions made by the Indian representative.

There is, however, one simple aspect of the matter of which it is my duty to remind the Council. The arguments advanced by the permanent representative of India are, at best based entirely on his Government's own interpretation of the jointly accepted resolutions of the United Nations Commission for India and Pakistan of 13 August 1948 [S/1100, para 75], and 5 January 1949 [S/1196, para. 15]. This interpretation is, of course, opposed to the sense of the resolutions as it has been read and construed by all the mediators appointed by the Security Council. But apart from that, its truth or falsehood can be determined only by impartial arbitration. Three important proposals for arbitration upon the meaning and implementation of the agreed resolutions were made by the United Nations Commission for India and Pakistan on 29 August 1949 (endorsed by President Truman of the United States and Prime Minister Attlee of the United Kingdom), by the Security Council in its resolution of 30 March 1951 [S/2017/Rev.1] and by Mr. Gunnar Jarring during his mission in 1957. We accepted all these proposals. Uniformly, India rejected them. There is no possible explanation of these rejections except that India knows that its interpretation of the international agreement about Kashmir is wrong, wilfully misconceived, and incapable of carrying conviction to any impartial authority.

As regards the contents of the letter of the permanent representative of India, dated 5 March 1959, my Government trusts that the Security Council will take full note of the aggravating effect which Sheikh Abdullah's imprisonment unavoidably creates on the situation in Kashmir. As this situation constitutes the subject of an international dispute of which the United Nations is cognizant, we are confident that the Security Council cannot regard the imprisonment of Sheikh Abdullah as an internal matter. The permanent representative of India has alleged that we have taken contradictory positions in the matter of Sheikh Abdullah's trial. Actually

these different positions are directly caused by the self-contradictory in India's own word and deed. From 9 August 1953, Sheikh Abdullah was kept in jail for four and a half years without trial: we deplored this grave injustice. After being set free for only fifteen weeks, he was rearrested on 29 April 1958: we naturally again protested this high-handed act. Upon the second occasion, the puppet Premier of Kashmir said that Sheikh Abdullah would not be brought to trial: we naturally brought the fact to the notice of the Security Council in our letter of 6 May 1958 (S/4003). Now he is being brought to a stage-managed trial which is a mockery of civilized law: we cannot fail to remonstrate again and to ask that impartial public opinion as symbolized by the United Nations should intervene and cause India to desist from a course of action which will prove ruinous to its own interests as much as to those of Kashmir and Pakistan.

I request that this letter be circulated to the members of the Security Council document.

*(Signed) Agha Shahi
Acting Permanent Representative of Pakistan
to the United Nations*

(Source : UN Document S/4185)

Kashmir Conspiracy Case

Written Statement of Sheikh Mohammed Abdullah submitted in the Sessions Court, Jammu on 31 August 1962.

Mr. Judge,

We are charged with conspiracy to overawe the lawful government of the Jammu and Kashmir State, a conspiracy alleged to have begun in 1953 and to have continued until 1958. This raises the issue of where the lawful government was to be found. In 1953 I was the Prime Minister of the State. I had the unanimous support of the Legislative Assembly. On the night of the 8/9th of August, I was summarily dismissed by the Sadar-i-Riyasat. I was then imprisoned without charge or trial under the Public Security Act/the Preventive Detention Act. This dismissal was wholly unconstitutional and, as I shall submit, unlawful. It follows that the so-called government which was thereafter installed was improperly appointed and had no lawful authority. On this ground alone the Prosecution must fail.

Even though I have regarded the government as being without lawful authority, I have never sought its destruction by resort to violence. Indeed throughout my political career which extends back for more than 30 years I have been a believer of non-violence—a principle which I learnt from Gandhiji. I have lived up to it throughout all phases of the political struggle.

I am alleged to have entered into this conspiracy as early as 1953. If the evidence for the Prosecution is to be believed they were fully informed of the progress of the conspiracy in 1955. Yet I was unconditionally released on the 8th of January, 1958, and it was not until the 23rd October, 1958, that I was charged with these offences.

Except for a brief period of less than nearly 4 months, I was in detention throughout the period of the alleged conspiracy, heavily guarded by the Army and the Armed Constabulary of Government of India and thus completely under the lock and key of the Prosecutors. This very fact alone negatives any possibility of conspiring or executing the conspiracy as alleged.

At the very initial stage I told the committing Magistrate, and later the Hon'ble High Court, that the issues involved in this case are so vital and grave and the personalities interested are of such high status and position that a tribunal highly independent with unquestionable integrity who can withstand political and other pressures, alone can inspire confidence which is the bed-rock of a civilised judiciary. Unfortunately my protestations did not avail anything. Minds seemed too much conditioned by formal technicalities of procedure to yield to actual considerations for doing real justice.

Four and a half years experience has convinced me in my apprehensions expressed then. From the complaint itself stem out the vital issues on which the fate and destiny of a people hang. It is a tragedy that the thoughtless Prosecutors and a mass of suborned witnesses have recklessly been allowed to play with that destiny. Throughout the enquiry it was manifest that the Presiding officer hardly ever exercised his independent judgment and judicial discretion which could inspire even a semblance of confidence in the mind of the accused. Should patience and time permit, bare perusal of his voluminous committal order will bear me out.

The world will observe the circumstances in which this trial is being held. As long ago as 1955 the Indian Parliament passed the Criminal Procedure (Amendment) Act whereby for the first time accused persons were given the right to testify in their own defence. A similar Act was passed for the Jammu and Kashmir State in 1956 subject to the provision that it should only come into force from the day appointed by the Government. That day has never dawned. It follows that my friends and I charged as we are with crimes of the utmost gravity, are to be denied the right to give evidence which would be accorded to us in India, in all parts of the Commonwealth and other civilised countries. We have no doubt that the reason why the Statute has never been brought into force is that authorities behind the Prosecution do not wish us to give our own account of the events of the last nine years as witness or allow speedy trial enjoined by the new Act.

It is just over nine years since I was first arbitrarily imprisoned. It is very nearly four years since I was first charged with these offences. This inordinate delay is not confined to the present case. Seven of my co-accused were charged with murder in the Hazratbal Case. They were committed for trial in October, 1958. The trial has not yet commenced. It follows that they must go through the present proceedings with capital charge still hanging over their heads. Another of my co-accused was charged in 1957 with a capital offence under the Enemy Agents Ordinance. The trial of this case by a special court began on the 5th of October, 1957. This trial has not yet been concluded. These delays are without precedent and the only explanation is that the prosecuting authorities are determined for political reasons to keep the accused involved in criminal proceedings for the maximum possible time.

At every stage the government of the State has harassed the Defence and those who were seeking to assist the accused. Two of the counsel for the Defence were detained for periods of about a year under the Preventive Detention Act. Miss

Mridula Sarabhai who sought to assist the Defence here was detained and later externed from the State in February, 1961, and forbidden to re-enter. What happened to Shri Balraj Puri merely for greeting me in court on the court record. The treatment meted out to him was not denied when questions were asked in the Indian Parliament. Very many of our friends and those who believe in political freedom have been detained for various periods under the Preventive Detention Act.

My personal and private documents fell into the hands of the coup-stagers of 9th August, 1953, and whatever was left was seized by the Police from my residence on the 29th of April, 1958. Most of these documents have not been produced in this case by the Prosecution nor have they been handed back to me, the obvious motive being to thwart my defence.

A very heavy burden is being cast on those members of the bar who have so far appeared for me and my co-accused. At the inception of the inquiry, I, therefore, made strenuous efforts to get the services of other suitable counsel in this case. The Prosecution got a hint from my correspondence which passes through censor that I was about to engage the services of Shri Nageshwar Prasad of Patna. They immediately got in contact with him, offered him fabulous fees and other amenities and engaged him as Chief Prosecution Counsel. This robbed me of a defence counsel of my choice from within the country. It may not be out of place to mention here that the Prosecution had already deprived us of the service of many prominent lawyers of Jammu and Srinagar Bar by engaging them in advance in various cases (including the instant one) instituted against me and my colleagues.

Shri Porus Mehta, an eminent Advocate from Bombay and Sardar Amar Singh Ambalvi, Advocate from Punjab, who appeared on behalf of my colleagues in other cases were not spared the harassment of being constantly shadowed by the Intelligence people during their visits to Kashmir.

The general environment in and around this Court premises is so infested by the Police and Intelligence Officers

that free judicial atmosphere has well-high been destroyed. Amongst the Prosecutors and their Assistants there are those who have conducted investigations which is the other term for third-degree methods in Kashmir-or have made interrogation of witnesses or taken a leading part in tutoring them. Their continued presence in and around the court room is a standing terror for any Prosecution witness who under the influence of such an atmosphere can hardly be a free agent even while in the witness box.

The court below refused to summon witnesses who were and are essential to the proper conduct of the defence.

Pursuant to the coup of 9th August, 1953, I and my government were overthrown by sheer use of forces, completely subverting the Constitution whose sanctity everybody concerned had solemnly affirmed to respect. A new Government was brought into office. This "government" therefore, is not a technical complainant as understood in common parlance in criminal administration. It is personally "aggrieved" and a hostile party in these proceedings—avowedly inimical to the accused.

In a democratic set up, the only hope of a citizen to escape the tyranny of the executive is an independent judiciary. Where processes of law are employed by the executive for power politics, the very basis of democracy is completely undermined.

Under ordinary circumstances an accused would always welcome to have an opportunity of defending himself in order to prove his innocence. The present case and the circumstances which led to its institution are, however, very peculiar. The prosecution has launched this case against me, I believe, not that they really feel that I am guilty of the offences mentioned in the complaint, but to serve entirely a different purpose. This is apparent from the fact that the prosecutors shifted their ground from time to time, vis-a-vis the accusations levelled against me. In 1953, they started with the allegation that I

had entered into a conspiracy with United States of America, in order to establish an independent State of Kashmir and make it a war base for U.S.A. A virulent propaganda was set afoot here and abroad to that end, but the story was too grotesque to carry conviction. Moreover, they had second thoughts about it. Therefore, suddenly the "conspiracy" was switched over and Pakistan made the substitute for U.S.A. The bitterness of the Partition had not yet died down. Hence the Prosecutors thought it convenient and helpful for their purpose to tag me with Pakistan and thus obliterate my past services and unblemished record in the freedom movement.

I am now accused of having conspired with Pakistan to overthrow the so-called Kashmir government by the use of force in order to facilitate the State's wrongful annexation by that country. In these circumstances the evidence so laboriously assembled over the last nine years, particularly where it is the evidence of approvers, accomplices and spies should be probed with utmost care.

The prosecution has produced C.I.D. reports of some of my speeches and also copies of some letters to my friends from jail. I have admitted the authorship of these letters and have also not denied having delivered the speeches. For lack of proficiency in Urdu and complete ignorance of Arabic and Persian, the reporter has very often missed the content and purport of my speeches.

As regards the letters exhibited in the case, they were sent out from the jail duly censored by the concerned and competent authorities. The inferences drawn by the Prosecution from the text of these speeches and letters are wholly unwarranted and untenable. They militate with the whole spirit of the subject-matter. It only needs an impartial mind, free from prejudice and possessed with adequate knowledge of Islamic history, the Quran and the Hadith to interpret them correctly. My misfortune is that neither the Magistrate nor the reporter and the translator who both figured as important witnesses against me could justifiably lay any claim to the knowledge of

these subjects. On the contrary their examination revealed their stark ignorance. It was a case of blind leading the blind.

A few days back I was pained to listen to the arguments of the learned Chief Counsel for the Prosecution, Shri G.S. Pathak, when he moved for amendment of charges against me and others. He sought to add now a new charge of waging war to the charge already framed and in support quoted cases launched during British regime against some of the outstanding Indian patriots and freedom fighters like Vir Savarkar, M.N. Roy and others who had suffered long periods in jail to throw off the British yoke and free the motherland.

I had hoped that we had succeeded in terminating the British colonial rule with all its legacies but I am afraid Shri Pathak's reliance with gusto solely on the bad traditions of that rule puts one in doubt if the freedom has really been gained.

For the last 15 years the Indo-Pakistan dispute over the accession of J&K State has led the two neighbours to take to divergent paths, dividing them into hostile camps. The dispute first resulted in a shooting war which has now subsided to the worst type of cold war. Campaign of hate, bitterness and sinful vilification is at its height of which the main victim, unfortunately, is common man. The present case is being used by our prosecutors as a lever to aggravate the process of this cold war. The very contents of the complaint, evidence of the tutored witnesses and the arguments advanced by the Prosecution, all lead to that single purpose. A vested interest has been created which adds fuel to this cold war. They seem to be convinced that they can make hay only so long as the two peoples of India and Pakistan stand at loggerheads. It is, however, my firm conviction that the continuance of this campaign of hate and bitterness will not only harm both India and Pakistan, but may exterminate our State in the process.

In this cold war and inflated tensions, it is most regret-

table that the right of self-determination of 5 million people of J&K State is made the first casualty. The onslaught is vehemently carried on all fronts so as to divert the attention of the world from the basic issue confronting the people of the State and side-track into other channels.

Ever since the Kashmir freedom movement was launched in 1931 the people of the State have gone through blood and tears in order to achieve their basic right to shape their own destiny freely and without any coercion. This right had been usurped from them and they were enslaved for centuries suffering all sorts of indignities, that has always been the lot of an enslaved nation. Many of their spasmodic efforts to liberate themselves from the shackles of bondage and slavery had been ruthlessly suppressed in the past by the powers that be. In 1931 destiny left it to me to spearhead the movement for their emancipation and I have accordingly dedicated my life to that cause.

This is a political trial. I and my friends have been detained over many years and we are here today because of the principle for which we have stood—namely, the right of the people in Jammu & Kashmir State to be masters of their own destiny. It has been conveyed to me several times that not only could I go free immediately but I could also resume the Premiership of the State if I was prepared to accept the present status of Jammu & Kashmir State. This I have refused to do. That is why I and my friends stand in the dock today.

I, of course, plead not guilty to these false and fantastic charges. But in this case—not the first time in history—it is the accusers who are on trial. They have denied the Kashmiri people the right to determine their own future. They have maintained and still maintain a reign of terror. They have misused their powers in order to suppress and persecute their political opponents. Now they are seeking by manifestly perjured evidence to pervert the ends of justice. It is they who

should be in the dock today. I await not only your verdict but the verdict of history.

Thank you.

Sd/-
Sheikh Mohammed Abdullah
Jammu,
Dated 31st August 1962.

WRITTEN ARGUMENTS

**In the Court of Mr. N.K. Hak, Special Magistrate, Jammu,
State Versus M.M.A. Beg and Others.**

Mr. Magistrate, Sir,

I have listened with due deference to the arguments of the learned Prosecution Counsel for over four weeks and have patiently borne slanderous expressions and insinuations hurled at me, my family, friends and colleagues over and again, the real object of which I do not propose to discuss here. One or two observations of the learned Counsel, however, call for an explanation.

On 1st April, 1961 the learned Counsel took an exception to my refusal to answer the questions put to me by the Court u/s 342 Cr. P.C. as well as to the reasons I had advanced for my attitude in my written statement. I had stated therein "very grave issues of far-reaching implications are involved which can affect not only the four million people of the State but also the people of the Indo-Pak sub-continent and even of Asia. Moreover, the personalities connected with this case are of considerable importance from the point of view their power and influence."

The learned Counsel did not consider them at all a 'reason'. They seemed to him of 'flimsy character' and he observed, "if there were grave issues then it was all the more

important to explain them". The Counsel conveniently omitted to take the trouble of going through my whole statement, otherwise he would not have failed to notice the detailed reasons that I set out in my transfer petition to the Hon'ble High Court in December, 1958, to which I made a prominent reference in my statement. I detailed out facts and their far-reaching implications as well as the personalities involved, and made out a strong plea "in fairness and justice of a judicial probe scrupulously above board and in a free atmosphere by an eminent individual of high character and integrity, capable of exercising independence of judgment and action."

After having listened with utmost patience to the arguments of the learned Counsel and his personal comments, briefly mentioned above, I feel constrained to cautiously lift the curtain from some of the circumstances inherent in this Case, which urgently call for such an untainted judicial probe as I have indicated above, if it is intended to be fair and just not only to the accused, but our own conscience also. Impelled by the desire not to vitiate the atmosphere, I am speaking with extreme reticence. I repeat that the time has not yet come to unfold the tragic background story of the present Case. This is neither the proper forum nor will it serve any purpose here.

In working up his argument that accused intended to overthrow the Government of the State in collaboration with Pakistan officials, the learned Counsel dragged in the Pak-American Military Pact and tried to create an impression in the world that Pakistan was "mis-using the American aid in Kashmir." Apart from the serious repercussions of such an observation, it is patent that the introduction of such points in the argument does drag in high personalities and most important and delicate international issues. Am I expected to discuss them frankly in this forum with any grain of confidence for a fair deal? Incidentally, the force of the learned Counsels argument, with all its condemnation of Pakistan running through, is bound to make contribution to the cold-war that unfortunately already exists between the two neighbouring

countries. It is the patriotic duty of every one living in the sub-continent, to make every effort in lessening this cold-war atmosphere and try to create friendly relations between the two countries.

Addressing the recent Indo-Pak Cultural Conference in New Delhi, Pt. Jawaharlal Nehru, is reported to have said :

"We must not drift towards a cold-war attitude which is dangerous.....Whatever the differences, they should be resolved by peaceful means."

No one would appreciate these words of the Prime Minister more than the people who live in this unfortunate State of Jammu and Kashmir, for it is they who have become the first casualty in this cold-war for the past more than a decade. I, therefore, extremely regret that Shri Pathak's argument has not done any justice to the wishes of the Prime Minister but has leashed out instead a fresh wave of cold-war which is bound to have its pernicious effects.

It is a matter of historical record that an intense wave of cold-war was started against Kashmir before the fateful day of the 9th August, 1953, of which I was the chief victim. Much of the activity was carried on under-ground and kept a close secret. By sheer twist of history, however, the curtain was lifted slightly by one of the collaborators recently. The Indian world is not unaware of the role played by the well-known Indian journal, 'Blitz', during and after the coup-, d'etat of 1953. In its special issue of 25th February, 1961 on page 39, under the sub-title "How Blitz moulded the Kashmir Politics," the Editor writes:

"It can now be revealed that Editor Karanjia was invited to New Delhi by the late Rafi Ahmed Kidwai early in August 1953 and supplied with all the facts about the antinational activities of Sheikh Mohammad Abdullah and Mirza Mohammad Afzal Beg. The Government desired Blitz to prepare public opinion in advance for the drastic action contemplated..."

This gives a peep into the causes that led to the tragic events of 9th August 1953 and the powers and personalities involved in the matter. If a judicial trial can claim any impartiality or hope to inspire confidence, the Tribunal has had to be of such a high order as I indicated in the petition to the High Court. The ridicule of the learned Prosecution Counsel, notwithstanding, I contend that a Tribunal of a very high character and integrity, immune from even a semblance of influence from the highest power that be, is the very *sine qua non* in these proceedings, if they are to be fair.

Soon after my re-arrest under the Preventive Detention Act on 29th April, 1958, the permanent representative of India at the United Nations, Shri Arthur Lal, wrote to the President of the Security Council on 11th June, 1958:

- (i) "...Since Sheikh Abdullah's arrest and detention in August 1953 he, his relatives and his associates including some of the accused (in Conspiracy Case) decided to bring about overthrow of the State Govt. established by law and to that end to enlist the support of and join hands with Pakistan agents and officials. To achieve this object, accused, between August 9, 1953 and April 29, 1958, amongst themselves and with other persons, known and unknown, at Srinagar and diverse other places, both in and outside the State, conspired to overawe by means of criminal force, the Government of the State."
- (ii) "Sheikh Abdullah had been making public statements, calculated to inflame religious passions and seeking to create conditions of disorder and lawlessness and subversive and sabotage activities in Kashmir."

The above information was supplied to the President of the Security Council in justification of my re-arrest in April 1958 and he was requested to circulate the letter to the other

members of the Security Council as a Security Council document. The language used and the grounds set out in the above quotation are exactly the same as that used in the Paragraph 4 of the petition of complaint lodged by D.W. Mehra, Inspector-General of Police, Jammu and Kashmir, in this court on 21st May, 1958. It is pertinent to note that I was joined as an accused in the Case on 23rd October 1958. This pre-judged condemnation having emanated from the Chief Representative of Government of India at the United Nations, naturally demolished any ray of hope for a fair trial.

During the brief spell of my freedom in 1958, Shri Krishna Menon, Defence Minister of India, publicly warned me that the Indian Constitution will not give any protection to me if I questioned State's integration with India. Addressing a public meeting in Andhra on 3rd February, 1958, he is reported to have said:

"If anybody in Kashmir today questioned the State's integration with India, he was guilty of treason. Anybody doing so ceased to be an Indian and thereby lost the protection of the Constitution and the law..." (The Statesman 4th February, 1958).

Thus the doors of all the organs of the State functioning under the Constitution were quite prematurely banged against me by one of the highest executive authorities in India. The Hon'ble Defence Minister could, with no stretch of imagination, be unaware of what was being cooked up against me when he made the above public statement, unless all this Case is a subsequent concoction.

In another of his public utterances at Madras in February 1958, Shri Menon is reported to have said :

"Those who oppose or deny Kashmir's accession to India are traitors and should leave the country."

These statements, therefore, successfully vitiated and poisoned the atmosphere against me well in advance of time and smashed any hope to secure justice under the Indian Constitution. Is it fair to expect that I could have sustained confidence and faith to receive justice and fairplay under such circumstances ?

There is yet another dignitary of Government of India who, without any qualms, indulged, albeit obliquely, in my condemnation while this enquiry is still pending against me. This gentleman is no less than Shri A.K. Sen, the Law Minister of Government of India. During the debate on the Preventive Detention Act, in the Lok Sabha on 1st December, 1960, he questioned an honourable member's inferential reference to me amongst the "patriotic Indians", which clearly indicated the working of his mind. He, as a Law Minister, is controlling and directing the conduct of the prosecution in this case.

It is an open secret that Government of India is behind this prosecuton and is spending enormous amounts to finance it. On 18th March, 1961, the 'Hindustan Times' of Delhi disclosed that the Conspiracy Case "cost Kashmir Government over three lacs, incluning Rs. 44,421.50 as the fee of the Counsel engaged by the State." But large number of counsel and their juniors engaged to conduct the case from time to time must have cost tens of lacs of rupees so far. It is pertinent to ask, who is footing their bill ? Obviously it is the Government of India which has harnessed in the case the services of eminent counsel like Shri G.P. Mitter of Calcutta Shri G.S. Pathak of Allahabad, Shri Nageshwar Prashad and Shri Pandey of Patna, and Shri Chaturvedi of Allahabad—not to mention their juniors. My own experience indicates that the services of each one of the above lawyers will not cost less than Bs, 2,000/-a day. The total financial effect can easily be estimated. Besides this, a Deputy Director of Central Intelligence Bureau, with several India Police officers as his assistants, has been attached with the case from its inception and appointed as a Special Prosecutor to conduct the day to day proceedings. Thus Government of India have put in their

vast resources,, both financial and administrative, in this case in order to secure our conviction. The Government of Jammu and Kashmir is only a cover. With this interest in the matter by the Government of India how am I expected to believe that an ordinary magistrate in the State, or for that matter any court in India, will disregard the wishes and interests of the Government of India in this case and judge me squarely and fairly ?

Shrimati Mridula Sarabhai, references about whom have been repeatedly made in this case, was detained in 1958 by the Government of India under Preventive Detention Act. When her Habeas Corpus petition came up before the Supreme Court, the Chief Justice of India, while rejecting the petition, was reported by the 'Indian Express' of 25th November, 1958, to have observed, among other things, "each item of the acts alleged had to be judged in the light of the struggle going on between the two countries for Kashmir." Obviously the two countries referred to are India and Pakistan. It passes my comprehension how on earth a magistrate in the State is to take a detached view in regard to my alleged activities after having known the views of the highest judicial authority cited above. I am sure that the learned Prosecution Counsel is not unaware of all this. Hence his strenuous efforts to hook us up with Pakistan Government and her officials.

In my transfer application to the Hon'ble High Court, I solicited that the enquiry in this case should take place in a completely independent atmosphere, free from all internal and external influences. I stressed that the enquiry officer should, in view of the circumstances of the case, be a person who can keep the scales of justice even between the parties without fear or favour. But in face of facts some of which I have set out above, it seems that I was asking for the moon (though that even is not impossible in these days of space travel).

Incidentally I might submit one more point in this context. The present Presiding Officer of the Court is a Magistrate

appointed by the Government which was brought into being through the coup of 9th August, 1953, staged against me and my colleagues. In pursuance of that coup the Government headed by me was over-thrown by treacherous and shady means, followed by violence and force, with the full backing of Government of India. It is the self-same Government which has selected and appointed the present Magistrate to enquire into the charge against me and other accused—the victims of 9th August Conspiracy—that we intended to overthrow by criminal force, the Government established through the coup. I am not questioning the technical competence of the appointment of the Magistrate; but in justice and good conscience is it fair that the complainant should appoint the judge for his own cause and then expect the accused to have full confidence in the latter's impartiality? Therefore, if the proceedings of this court have continued to be stage-managed since the very start of the case, this position is perfectly understandable.

The absurdities of the prosecution case are so obvious and its inherent contradictions so indubitable that it deserves outright rejection by the court. Thus alone could the judiciary of the State, if it were really independent, redeem to a certain extent the reputation not only of the Government of Jammu and Kashmir but that of India also.

The prosecution story is that the accused conspired and "the chief aims of the conspiracy were to overthrow the Government of the State and to facilitate the wrongful annexation of the territory of the State by Pakistan." Both these imaginary and fantastic charges have been repeatedly contradicted by Bakshi Ghulam Mohammad, the Prime Minister of the State, himself.

- (i) Addressing the delegates of all-India Legislators' Convention held in Lucknow in March, 1958, Bakshi Ghulam Mohammad is reported to have said :—

"He said that he was taking forward a certain programme and policy and would like to make an offer to Sheikh Abdullah too to join them in carrying out that programme and they would all be with him. Let him take the chair and we shall take the 'maidan' (field)."

- (ii) Replying to an address of welcome given by the Rajpur Municipal Committee at a public meeting on the 15th of May, 1958, Bakhshi Saheb referring to my arrest (my second arrest took place on 29th April, 1958) is reported by an English daily of New Delhi, "Indian Express" of 16th May, 1958, to have stated :

"He had still high regard for Sheikh Abdullah and he did not like the idea of keeping him behind the bars. *If he changes his outlook and once again works for his original ideals, I will serve him again.*"

This gives lie direct to the prosecution charge that I had conspired since 9th August, 1953, upto 20th April, 1958, to overthrow the Government of Jammu and Kashmir or committed any other offence, whatsoever.

With regard to the so-called charge of facilitating the wrongfull annexation of the territory of the State by Pakistan, I submit that I have fought since 1931 for securing the right of self determination for the people of Kashmir; have never compromised on this basic human right with any party or power and have willingly suffered innumerable hardships and imprisonments. Therefore, the charge is not only grotesque and preposterous but it contradicts what I have stood for and struggled since the inception of freedom movement in Kashmir. I have already quoted the Defence Minister of Government of India in my statement made under Section 342 Cr. P.c, with it will be appropriate to repeat here. Addressing

the Security Council in New York on February 8, 1957, he stated :—

- (i) "I challenge anyone to show me one phrase uttered anywhere by Sheikh Abdullah and he has now become the pet idol, although before he was called a quisling—I ask any one to show me one phrase where he says he wants to become part of Pakistan". (Kashmir Vol. II V.K. Krishna Menon's speech in the Security Council published by Information Service of India, New Delhi.)

The above categorical statement was made by no less a person than the Defence Minister of Government of India as leader of the Indian Delegation in the Security Council in 1957 when Kashmir Case was being debated before the world forum. It should be presumed that the Defence Minister is in the know of all the facts which concern the security of his country. Moreover, this statement was made by him at a time when, according to the contention of Counsel for prosecution, the conspiracy had reached the maturing stage.

- (ii) Bakhshi Ghulam Mohammed while addressing a public meeting in Banaras as late as 3rd April, 1961, is reported by a well known English daily of New Delhi, "The Statesman" of 4th April, 1961, to have said :

"The two-nation theory which was fashionable at one time, was not acceptable to Kashmir. Even Sheikh Mohammad Abdullah, who later gave the misguided slogan of Independent Kashmir, did not talk of Kashmir becoming part of Pakistan."

The only and inescapable conclusion that can be drawn from the above quotations is that both the charges of the Prosecution against the accused are a mere figment of their fertile imagination. They are ridiculous, baseless and utterly false, having no substance in them.

The learned Counsel for the prosecution has made another onslaught upon me, charging me of betrayal of my ideals and objectives. On 5th April, 1961, he made a reference to "diverting that personality. This great personality is Sheikh Abdullah and change had come over him. He was diverted from one course to another." Again on 28th April, 1961, he stated :

"The prosecution case is that prior to 9th August, 1953, a change had come to Sheikh Saheb and what were his attitude and views in 1952; they were not in 1953."

I repudiate the charge with all the emphasis at my command. I always stood, as I now firmly stand, for securing the right of self-determination for the people of the State, irrespective of caste, creed, religion or region.

(a) On my release from prison during the 'Quit Kashmir' Movement I told a mammoth gathering in Srinagar, on 29th September 1947 :

'If forty lacs of people living in Jammu and Kashmir are by-passed and the State declares its accession to India or Pakistan, I shall raise the banner of revolt and we face a struggle.'

(b) On assuming the office of the Head of the Administration of the State, on 31st October 1947, i.e. hardly four days after the provisional accession of the State with India, I, in a special message, stated, inter alia :

"...The stipulation for the final acceptance of the Instrument of the Accession is that when the aggressor is driven out, peace again prevails and people of our country are really-free, they will be given an opportunity to register their choice in the matter of accession or independence freely and without duress from anybody in and outside the State....."

While announcing these views I was hailed as a hero throughout India and proclaimed as a patriot of the highest order in the country. On the other hand Pakistan put a price on my head, calling me a quisling. It is an unkind twist of history that representatives of India now brand me as a traitor for expressing the self-same views. May I ask : Who has changed ? Who has shifted the ground ? I stand steadfast where I stood in 1947. At that time this right of the people was in danger when the raiders wished to make the sword as the final arbiter of people's destiny. I withstood that onslaught on the rights of the people of Kashmir with firmness and courage of conviction. The leaders and the Government of India were by my side, firmly supporting the same objectives in Kashmir and we fought together the unforgettable battles which were common to us here on the soil of Kashmir as well in the United Nations.

Before proceeding further I would like to make two points clear. Firstly, that the future of Kashmir is an international problem and not an internal one of India, as is wrongly held in some quarters. Therefore, any decision unilaterally taken in this behalf cannot be considered valid in international law nor can it be binding on the concerned parties. Secondly, the obligations and responsibilities undertaken in regard to Kashmir and the pledges given to her people were, as contended by the prosecution; not "a mere political wish of an individual" but were solemn pledges given on behalf of Government of India by its Prime Minister with full concurrence and approval of the Parliament of the country, representing the sovereign will of the people of India.

In support of the above assertions and in order to show that there was complete identity in our objectives, I give below a few excerpts from a speech of the Prime Minister of India, delivered in Parliament.

Addressing the Indian Parliament on 7th August, 1952, the Prime Minister, *inter alia* said :

- (a) "It (Kashmir problem) is an international problem and would have been an international problem anyhow if it concerned any other nation besides India—and it does. Its international character was further emphasised because a large number of other countries took an interest in the problem and gave advice."
- (b) "The question is before the nations of the world, whether they are united or not and whether they are a forum or not. It is an international matter and a matter which is in the minds of millions of men".
- (c) "We have tried to fashion our action in regard to the problem according to what we considered to be our obligations and responsibilities. What were those obligations and responsibilities? The first was to protect and safeguard the territory of India from every invasion. That is the primary responsibility of the State. Secondly, it was our duty to honour the pledge we gave to the people of Jammu and Kashmir State. And that pledge was a two-fold pledge. We were obliged to protect them from invasion and rape and loot and arson and everything that accompanied that invasion. That was the first part of the pledge. The second part of the pledge was given by us unilaterally and was to the effect that it would be for the people to decide finally what their future was to be. The third was to honour the assurances we gave to the United Nations. And the fourth was to work for a peaceful settlement."
- (d) "In the course of these years, I have repeatedly placed the situation before this House and it is with the support and concurrence of this House that we have continued to pursue the policy that we have pursued."
- (e) "As the House knows, we decided right at the begin-

ing that we were agreeable to a plebiscite in which all the people of Jammu and Kashmir would take part."

- (f) "Among the assurances and pledges that we have given is the pledge which was implied in our policy, namely, that the people of Jammu and Kashmir State would decide their future. Let me be quite clear about this."
- (g) "I want to stress that it is only the people of Kashmir who can decide the future of Kashmir. It is not that we have merely said that to the United Nations and to the people of Kashmir. It is our conviction and one that is borne out by the policy we have pursued, not only in Kashmir but everywhere. Though these five years have meant a lot of trouble and expense and in spite of all we have done we would willingly leave Kashmir, if it was made clear to us that people of Kashmir wanted us to go. However sad we may feel about leaving, we are not going to stay against the wishes of the people. We are not going to impose ourselves on them at the point of bayonet."
- (h) "With all deference to this Parliament I would like to say that the ultimate decision will be made in the minds and hearts of men and women of Kashmir and not in this Parliament or at the United Nations".
- (i) "We do not want to win people against their will and with the help of armed force; and if the people of Jammu and Kashmir State wish to part company with us, they can go their way and we shall go ours. We want no forced marriages, no forced unions."
- (j) "We have resolved not to dishonour the pledges we have given to the people of Kashmir or to India, and, therefore, we shall pursue our policy accordingly."

The above excerpts give a very lucid and clear picture of the policy pursued by Government of India in regard to Kashmir from the beginning. This policy was also repeatedly made known to the world in their White Papers on Kashmir, in radiobroadcasts, press conferences, speeches and even in the communications that passed between the Prime Minister of India and the other important world dignitaries from time to time. The following are some amongst such numerous pronouncements :

- (i) on 25th October 1947, the Prime Minister of India in a telegram to the Prime Minister of the United Kingdom, London, said

“.....I should like to make it clear that the question of aiding Kashmir in this emergency is not designed in any way to influence the State to accede to India. Our view which we have repeatedly made public is that the question of accession in any disputed territory or State must be decided in accordance with the wishes of the people and we adhere to this view...”

- (ii) Winding up his broadcast on 2nd November, 1947, the Prime Minister of India announced :

“We have declared that the fate of Kashmir is ultimately to be decided by the people. That pledge we have given, and the Maharaja has supported it, not only to the people of Kashmir but to the world. *We will not, and cannot, back out of it*”.

“We are prepared when peace and law and order have been established to have a referendum held under the international auspices like the United Nations. We want it to be a fair and just reference to the people and we shall accept their verdict.”

- (iii) In her complaint before the Security Council, India made it clear :

"In order to avoid any possible suggestion that India had taken advantage of the State's immediate peril, for her own political advantage, the Dominion Government made it clear that once the soil of the State has been cleared of the invaders and normal conditions restored, its people will be free to decide their future by the recognised democratic method of a plebiscite or referendum which in order ensure complete impartiality, might be held under international auspices.

- (iv) The Government of India's White Paper on Jammu and Kashmir, 1948, among other things mentions on page 45 :

".....the question of accession is to be decided finally in a free plebiscite... The only purpose for which the Indian troops are operating in Kashmir is to ensure that the vote of the people will not be subjected to coercion... As Government of India have repeatedly made it clear, there is to be no victimisation of any native of the State whatever his political views or affiliations may be and no Kashmiri will be deprived of the right to vote."

- (v) On 31st October, 1945, Prime Minister of India sent a lengthy telegram to the Prime Minister of Pakistan in which he said :

"Our assurances that we will withdraw our troops from Kashmir as soon as peace and order are restored and leave the decision about the future of the State to the people of the State is not merely a pledge to your Govern-

ment but also to the people of Kashmir and to the World....."

- (vi) The joint communique issued by the two Prime Ministers of India and Pakistan after having met in Delhi and discussed the dispute on Kashmir in detail on August 21, 1953, stated :

"It was their firm opinion that this dispute should be settled in accordance with the wishes of the people of that State, with a view to promote their well being and causing the least disturbance to the life of the people of State. The most feasible method of ascertaining the wishes of the people was by a fair and impartial plebiscite.

- (vii) On 25th November, 1947, the Prime Minister of India told the Constituent Assembly :

"We have gone to Kashmir to protect the people and as soon as this duty is discharged our forces need not remain there and we shall wishdraw our forces..."

He further added :

".....In order to establish our bona-fides we have suggested that when the people are given the chance so decide their future this should be done under the supervision of an impartial tribunal such as the United Nations Organisation. The issue in Kashmir is whether violence and naked force should decide the future or the will of the people.

What is the position now ? Who is avoiding the obligations and responsibilities undertaken with regard to Kashmir ? And finally may I ask who is dishonouring the pledges given

to the people of Kashmir? The Prime Minister of India, contrary to his numerous earlier commitments, some of which I have quoted above, now proclaims to the world that the Kashmir problem has become petrified for the last 12 years and the people there have almost forgotten it. There is stability and the people have already gone through two general elections. therefore, no attempt should be made to disturb the present status-quo. Thus the people are now told that what the 'naked force' has achieved should be accepted as the decision in the dispute and not the "will of the people." I do not want here to go into the claim regarding the so-called stability nor into the fraudulent character of the general elections which is advanced obviously as a plea for wriggling out from the earlier commitments. I am sure that the world opinion will not be easily misled by such wishful elaims. I, however, hold that the stand now taken, in clear violation of numerous earlier pledges, is no less an onslaught on the fundamental rights of the people of Kashmir than that of 1947. I shall resist it with the same firmness and courage of conviction as I did in 1947. I have no doubt in my mind that the people of the State will never rest content until the exercise of this birth right is secured for them.

I am not interested in a personal defence and I would not have stated even what I have stated if I had not felt that my trial is something for more than a personal charge against me. It is in effect a trial of entire population of Jammu and Kashmir, even though some of them being content with their transient personal interests or out of fear, may not be prepared to recognise or openly declare so.

When law is not based on the will of the people, it can lend itself to the suppression of their aspirations. Such law has no moral validity even though it may be enforced for a while. There is a law higher than that, the law that represents the people's will and secures their well-being, and there is a Tribunal of human conscience which judges the rulers and the ruled alike by standards which do not change by the arbitrary will of the most powerful. To that law I gladly submit and

that Tribunal I shall face with confidence and without fear; leaving it to history and posterity to pronounce their verdict on the claims I have made on behalf of the four million people of the State.

It is a small matter as to what happens to me. But it is no small matter that the people of Jammu and Kashmir suffer poverty, humiliation and degradation. It has been no small matter what they have endured for more than a decade and what they are enduring now. In fact the State has become a vast prison camp where the people are governed by heinous laws and monstrous ordinances some of which entail death sentences while others provide imprisonment for ten years without making it incumbent on the executive authority even to apprise the victim of the charge, not to say of a judicial trial. Hundreds of Kashmiris have suffered incarceration for years since 9th August 1953 under these lawless laws; many were shot by the Army and the Police; hundreds were maimed and disabled for life; hundreds again were involved in fictitious criminal cases in order to silence their voice, and yet it is claimed that there is stability! Be that as it may, these very events have demonstrated the justice of the demand for the immediate implementation of the pledge of the plebiscite given to the people by India, Pakistan and United Nations. The people of the State have not forgotten it and will never forget it.

If my imprisonment serves the cause to which I have dedicated myself, then it will be well with me and I shall take pride in thus serving my people and the land of my forefathers. My voice may be stifled behind the prison walls but it will continue to echo and ring for all times to come. It can never be stopped. It is the voice of human conscience; it is the voice of the people. I am only a symbol of people's undeniable aspirations and rights. What I am saying now will be repeated time and again, and it will go down in history.

Kashmir is dear to us because of its beauty and past traditions which are common to all who inhabit this land. But it is

the future that calls to us and for which we labour; a future that will be the common heritage of all and in which we, us free men and women, will build the Kashmir of our dreams. Then only shall we be worthy of the land we dwell in.

Sd/- Sheikh Mohd. Abdullah

Special Jail, Jammu.

Dated, 28th June, 1961.

ADDENDUM

Following is the report of oral arguments advanced by Sheikh Mohammad Abdullah in the Court of Mr. N.K. Hak, Special Magistrate, Jammu, on 28th June, 1961.

Sheikh Mohammad Abdullah, chief accused in the Kashmir Conspiracy Case, elaborating his arguments advanced in his written statement, stated that the entire Prosecution Case was a big joke and farce. "This is the inevitable conclusion which could be drawn from the proceedings of this case," he said. Referring to the slanderous expressions and insinuations hurled by the senior Prosecution Counsel at him, his family, friends and colleagues, over and over again, he said that he did not propose to discuss the reasons which prompted the Prosecution Counsel to adopt this conduct. It has been his fate all his life that all those who maligned him acquired large benefits and mundane comforts. Some got 'jagirs', others got lucrative posts, some got medals and again some even aspired to all-India leadership. He did not, however, understand one thing : What inspired and prompted the senior Prosecution Counsel to drag in his arguments, repeatedly, the names of his wife and daughter, knowing full well that neither of them was an accused in this case nor was there any serious charge brought by the Prosecution against them. The Prosecution Counsel knew very well that these poor innocent ladies could not answer him back. Therefore, it was most unchivalrous on his part to drag them and other ladies belonging to high families such as the sister of Kh. Ali Shah in this case, again and again. "True that after independence the ruling circles in India have comp-

letely lost sight of those noble value of life which Gandhiji gave to the nation", remarked Sheikh Saheb. "This was a great tragedy particularly for those hundreds and thousands of men and women of India who sacrificed everything to uphold those noble values—values of non-violence, truth, fair-play, justice, human brotherhood and love for the down-trodden". They expected that these values will not be preached to the outside world only but practised at home also. Hardly could it, however, be believed, he went on, that India was fast losing even ordinary human decency.

Sheikh Mohammad Abdullah stated that the senior Prosecution Counsel was believed to be one of the eminent members of the Indian Bar and a gentleman. He had been included a number of times as a member of the Indian delegation to the General Assembly of the United Nations. He was known to have gained the respect and confidence of the Prime Minister of India, whom, the Sheikh described, "as one of the noblest and finest characters that India has ever produced." "In spite of my political differences with him and despite his other failings—and who is immune from failings—none can dispute this fact about him", said Sheikh Saheb. Therefore, it was a surprise for him to hear the Prosecution Counsel dragging in his arguments repeatedly the names of those ladies, despite his association with such a great personality. He has not, therefore, been able to fully understand yet the aim and purpose of Prosecution Counsel to indulge in such uncalled for mud-slinging. But two reasons struck him prominently which might have prompted for recourse to this conduct. Firstly, the aim may be to derive some mundane advantages for himself or secondly he was arguing a very bad case, when generally lawyers begin to abuse. It was incomprehensible to believe that such an eminent lawyers as Shri G.S. Pathak would draw strange and ridiculous inferences from the records of the case which would make any lawyer a laughing stock in the legal profession. "If it was to gain some mundane advantage I wish him good luck. May be, he abused us to please his clients, finding nothing in the case". He further said that Mr. Pathak was not justified in attributing to him the authorship-

of an alleged letter to the Security Council on the basis of the description by it of the Kashmir problem as an "oozing sore", which expression was also to be found in his petition to the High Court. Many others had similarly described the Kashmir problem. He further added that Mr. Pathak assumed things, drew imaginary pictures and then came to strange conclusions. He questioned the Prosecution Counsel's contention that he thought Pakistan to be a friend and India an enemy because he had said that any country supporting plebiscite was his friend and that opposing it his enemy. "How could one answer such spurious and non-sensical arguments?" Sheikh Mohammad Abdullah asked.

He stated that from the records of the case there was no incriminating evidence against his wife, daughter or his son-in-law's sister, which could have prompted the Prosecution Counsel to drag in their names in this Court. To simple and innocent letters alleged by the Prosecution to have been written by Khalida, his daughter, to her sister-in-law, suggesting giving relief to the victims who fell to the bullets of the perpetrators of the 9th August coup-d'état or who were maimed and disabled for life were the evidence relating to her. "Is it a crime in India of today even to help those in distress?"

Dealing with the alleged receipt of money by his wife from Pakistan, he said, "assuming though denying that she received money to help her in defending this case or overcoming her distress after August 9, 1953, is it a crime? We receive financial aid from Britain even today in arranging our defence. What right had anybody to intercept money, which, according to Prosecution, came to Bugum Abdullah from Pakistan?" In this connection he referred to the financial assistance rendered by the Indian National Congress to freedom fighters all over the world. He cited the case of Algeria and of the funds that were raised in India to help the freedom fighters there on the appeal of Congress. Everybody knew that the people of Algeria were fighting a real war against the French Government and yet this did not

deter the people of India to render them financial assistance. Sheikh Saheb also referred to the funds raised in India for the victims of a recent treason trial in South Africa. "Did Indian people commit any offence by contributing to such funds?" he asked. "Could this also come under the purview of Section 121-A of Cr. P.C.?"

The other allegation against Begum Abdullah is an alleged letter which is attributed by the Prosecution to have been written by her to somebody in Pakistan and which was recovered from prosecution witness, Pir Atta Mohammad Thindum. When the said Pir was shown this alleged letter in the Court he failed to identify it. Regarding the allegation of the Prosecution that Begum Abdullah was directing the activities of the Plebiscite Front and carrying verbal messages from her husband to the leaders of the Front and assisting the organisation in other material aspects, he said that his wife had no interest in politics and never associated herself with any political party in the State. He referred to the evidence of what he called, "two star prosecution witnesses, Bashir Ahmad Shahbaz and Mohammad Sultan Ghaznavi" and said that Shahbaz had clearly stated that the Plebiscite Front never received any kind of aid from Begum Abdullah. And Ghaznavi had disclosed the nature of "my oral instruction from jail through the Begum to the Plebiscite Front." He said "I had directed boycott of the Constituent Assembly although the Begum had not visited me then, and Mirza Mohammad Afzal Beg, accused, who led the boycott of the Assembly was with me as a detenu only three days earlier. He was released from Kud Detention Camp on 19th of October, 1956. He stopped at his house for a night and then left for Srinagar to attend the session of the Assembly which began on 21st October. Thus this single instance was enough to prove the incredibility of the whole Prosecution evidence."

Addressing the Court; Sheikh Saheb stated that he need not take the Court's time by going into the evidence of all

the prosecution witnesses. That job had been ably and adequately done by "my colleagues Messrs. Beg, Shafi and Mr. Mohammad Lateef, Advocate, the Defence Counsel, during the course of their arguments. They had proved to the hilt the contradictions in the statements of the prosecution witnesses and the character and the veracity of their depositions.

"These are the only allegations brought by the prosecution on the files of this case against my wife and daughter," he said, adding that the senior Prosecution Counsel was supposed to know this. Yet and yet it was amazing and strange for the Prosecution Counsel to indulge in mud-slinging against them.

Referring to the sister of his son-in-law, he stated that there was absolutely nothing against her person with the exception that some innocuous posters were alleged to have been recovered by the police on search from her house. Her son, a teenager was put in jail and she was included in the list of co-conspirators. He said that the several lists of co-conspirators had been filed by the Prosecution in the Court "in order to malign us, strike terror amongst our sympathisers and stop all avenues of future possible defence."

Elaborating on the reference of 'Blitz' in the written statement, he said that despite the tremendous efforts of the ruling circles of India and of the State to suppress truth about the causes that led to the 9th August, 1953 coup, "the curtain is slowly but steadily being lifted. Truth will come out however one might try to bury it. That is the lesson which history has taught us," he said. The revelation in the "Blitz" belied the claim made by the ruling circles in India that they had no hand in this sordid affair. One day the great Indian nation would come to know about the real facts. Today they were made to believe that India had not produced a worse traitor than Sheikh Mohammad Abdullah. But he had no doubt in his mind that time will come when they would realise as to who were the real traitors and betrayers of India's honour,

who could without any qualms of conscience conspire to stab their friends in the back. Then they would find that Sheikh Abdullah and Beg were not amongst such traitors. He added that whatever might happen he would always remember with gratitude the help and assistance rendered to the people of Kashmir in their distress and the affection showered upon him once, by the people of India.

Commenting on the references in his written argument, to Mr. Krishna Menon's reported speeches Sheikh Saheb said that it was unfortunate that Shri Menon should consider every such person a traitor and guilty of treason who did not agree with his views and should ask them to leave the country. "Perhaps, he wanted to live alone in the whole sub-continent including even Pakistan". He said "Shri Menon was fond of delivering long speeches without, of-course, having much sense in them. This great Krishna Menon is believed to be the conscience-keeper of the Prime Minister of India".

Commenting on the remark of Shri A.K. Sen in the Lok Sabha in December 1960, "when he questioned the inferential reference of Mr. Masani to me amongst the patriotic Indians" Sheikh Saheb said that he did not know the Minister personally. He believed "when we were engaged in fighting the freedom battles for India, this gentleman must have been loitering in some streets of Calcutta." This great Law Minister of India did not only stop at that but during the debate on the demands of his Ministry in Lok Sabha, he again referred to this case on March 24, 1961, stating, "Kashmir Conspiracy Case has proved one thing to the whole world, that in Kashmir there is the fullest of liberty, even to an accused in a conspiracy case. Each accused has taken months to make his statement under Section 342 and everyone knows how abusive those statements have been against the highest in the land". Sheikh Saheb took strong objection to this statement and stated, "it is common knowledge that a person is always considered innocent before law unless proved guilty. There is, therefore, no reason to believe that a person adorning the chair of a Law Minister in the Centre would be ignorant of this elementary

principle of law". He laid particular emphasis upon the words "even to the accused in a conspiracy case" and said that perhaps it was the wish of the Hon'ble Minister "to get us hanged even before a trial." Sheikh Saheb asked the court that the statements filed by the accused under Sec. 342 were on the record of the case and the Court had not given its verdict yet on them, and even the Prosecution had not characterised them as abusive in content. But, on the contrary, the senior Prosecution Counsel had described some of the statements as "learned". Therefore, continued Sheikh Saheb, the remarks of the Hon'ble Minister were not only untrue and false, but tantamounted to clear contempt of Court. The Law Minister had no right to comment on proceedings of this court. He felt that he could have been hauled up for contempt had he not made this statement on the floor of the Parliament which was a privileged forum. It was an abuse of privilege and Sheikh Saheb indicated that he would ask his lawyer, as soon as he had an opportunity, to bring this matter to the notice of the Hon'ble Speaker of the Lok Sabha, requesting him to pull the Minister up. Sheikh Mohammad Abdullah described Mr. Krishna Menon and Mr. A.K. Sen as "the two pillars of Government of India" and "darlings" of the Prime Minister.

Commenting on the huge expenditure incurred by the Prosecution of this case, Sheikh Mohammad Abdullah said, "it is actually Government of India who was footing the bill and putting in their vast resources, both financial and administrative, in this case to secure our conviction. The Government of Jammu and Kashmir is only a cover." He read a long list of local lawyers and advocates who were engaged by the Prosecution in this case, besides the top-most Counsel from India, named in his written argument. During Mr. Pathak's arguments another lawyer was added by the Prosecution to the already existing list of lawyers engaged by them. "He was Shri Chaturvedi of Allahabad, a very handsome, tall and robust gentleman. During the whole argument stage of Mr. Pathak, he hardly spoke a word nor could it be believed that he could give any advice to the Prosecution at this late stage. He left us before Shri Pathak's arguments concluded

and yet, if my information is correct, he got away with Rs. 35,000/- as remuneration. This one single instance would show how recklessly money is being squandered freely at the cost of the tax-payer. Such being the case and with this interest in the matter by the Government of India, how am I expected to believe that an ordinary Magistrate in the State or for that matter any Court in India will disregard the wishes and interests of the Government of India in this case and judge me squarely and fairly?" asked Sheikh Mohammad Abdullah.

The Magistrate observed : "The Court will refuse to be influenced and will not even look into the statements made by Mr. Sen or any other person outside the Court."

The Special Prosecutor, Mr. Nanda, submitted that there was nothing similar on the files of the Court to which Sheikh Mohammed Abdullah retorted that the Lok Sabha records were more important than those files.

Resuming his arguments after the break, he told the Magistrate that the Prosecution Counsel had not properly appreciated his refusal to answer the Court questions during his examination under Section 342 Cr. P.C. Therefore, he was forced to give some of the reasons that had prompted him to adopt this attitude. Commenting on the remarks of the Chief Justice of India, as contained in his written argument, Sheikh Saheb said that such remarks from the highest judicial authority in India necessarily created apprehensions in the minds of the accused that they might not receive a fair deal. He thanked the Court, however, for giving him an assurance that it would not be influenced by such extraneous remarks of anyone.

Without questioning the technical competence of the Government to appoint a Magistrate to enquire into the charges brought against the accused by the Prosecution, Sheikh Saheb commented that the fact remained that it was the same Government who was responsible for the happenings of 9th

August, 1953. He, therefore, questioned the fairness of the complainant's right to appoint the judge for his own cause and then expect the accused to have full confidence in the latter's impartiality. The Magistrate asked : "Who should appoint the Magistrate, if not the Government ?" To this inquiry Sheikh Saheb said that in cases like the present one, the inquiring Magistrate ought to have been selected by the Chief Justice of the State and not by the Government who is complainant in the case. Mirza Mohammad Afzal Beg intervened and submitted that this was purely a legal question and Sheikh Saheb could not be expected to answer it. He was, however, prepared to answer the question fully if the Court so desired. Sheikh Saheb, continuing his arguments, observed that under such circumstances even if the Magistrate would be absolutely impartial to the accused, he will not inspire confidence in their minds. It was his life-long experience, as it must be of those of others, that in this mundane world, generally everyone looked which side his bread was buttered.

"It is hard and extremely rare to find men of Gandhiji's character and calibre who could gladly face the bullets of an assassin to uphold truth."

Sheikh Mohammad Abdullah submitted that two specific questions had been posed by the Prosecution Counsel to him : One was that why he did not reply to questions of the Court u/s 342 Cr. P.C. The inference that the Prosecution Counsel sought to draw from this was absolutely unwarranted in law and he could quote a number of rulings on this point. He had, however, explained to some extent the causes and apprehensions which led him to adopt such an attitude.

The other question posed to him, submitted Sheikh Saheb, was that a change had come in him in 1952. Before answering this question he stated that, "absurdities of the Prosecution case are so obvious and its inherent contradiction so indubitable that it deserves outright rejection by the Court. Thus alone could the judiciary of the State, if it were really independent, redeem to a certain extent the reputation, not

only of the Government of Jammu and Kashmir but that of India also." In this connection he referred to the mass treason trial launched over four years ago by the South African Government in which many people were accused of conspiring to overthrow that Government by violent means. The judge discharged all the accused without even asking the Defence to reply to the arguments of the Prosecution, thus redeeming the reputation of the South African State. 'Why should it be left to the judiciary of the South African State alone—a State whose governmental policies are hated by almost all the States of the world—to uphold the traditions of the British judicial system?' he asked. "After all we in India have a judicial system based on British traditions. Therefore, the least that the accused expected from the Court was that it should have thrown out the case without calling upon the Defence to reply to the arguments of the Prosecution. The evidence produced, both oral and documentary, called for no other course than the outright rejection of the case.

Sheikh Mohammad Abdullah repudiated the charge of conspiracy to overthrow the Government by force and secure wrongful annexation of Kashmir by Pakistan. "These heinous charges are levelled by the Prosecution at the accused in the dock who have the brightest record of their services in the cause of India's freedom movement and one nationhood. If they had wished their State to become part of Pakistan in 1947, there was no one to stop them from such a course."

Referring to Bakhshi Ghulam Mohammad, Prime Minister and complainant in the case, Sheikh Saheb said that since the coup of 9th August, 1953, Bakhshi Saheb had said many things, delivered innumerable speeches and held several press conferences in all of which he had accused him of many obnoxious and frivolous charges i.e. corruption, mal-administration, nepotism and even conspiracy with foreign powers, to declare the State independent, with a view to mislead and poison Indian public opinion against him to gain his own ends. "I do not want to take your time in

repudiating these baseless and malicious accusations", he submitted to the Court, "because that is not my purpose here nor are these the issues involved in the case. But the inference that I want to draw is that upto now Bakhshi Ghulam Mohammad has nowhere accused me of the charges which the Prosecution has made the basis of this inquiry. I challenge the Prosecution to show me a single phrase ever uttered by Bakhshi Ghulam Mohammad which could support their contention that I wanted to overthrow his Government or to forcibly annex the State with Pakistan. "On the contrary, there are his numerous public announcements wherein he offered to step down from the office of the premiership in case I accepted his programme and policy" he observed. Reading from some public statements of Bakhshi Ghulam Mohamad, Sheikh Saheb said: "When I could have the premiership of the State for the mere asking, why need I have conspired and resorted to violent and unlawful means to get it! Today there is no dearth of the highest positions for me in India as well as in Pakistan. I have been several times approached even during the present inquiry to return back to power and accept the responsibility of the premiership and give up the demand for securing right of self-determination for the people of Jammu and Kashmir. But I will never sacrifice my principles for self aggrandizement or for transitory and mundane advantages."

Regarding the charge of facilitating wrongful annexation of Kashmir by Pakistan, Sheikh Mohammad Abdullah alluding to the references of Mr. Krishna Menon's speech in the Security Council and Bakhshi Saheb's speech at Banaras, commented that in view of these clear declarations he was amazed at the courage of the Prosecution to persist in their charge against the accused, which were "mere figments of their fertile imagination".

Shri Pandey, the Prosecution Counsel, told the Court that Sheikh Saheb was referring to the documents that were not on the record to which the latter retorted that the same could be produced if asked for by the Court,

Continuing his argument, Sheikh Mohammad Abdullah observed that to rebut the charges of conspiracy to overthrow the Government and of wrongful annexation of the State with Pakistan, one could not produce any better evidence than the statements and public declarations, quoted already, of the Defence Minister of India and the Prime Minister of the State, the complainant in the case.

He denied the Prosecution contention that he changed before he was dismissed and arrested on Aug. 9, 1953. Quoting profusely from the speech of the Prime Minister of India, delivered in the Lok Sabha on 7th of August, 1952, he said that some people now question his wisdom of having developed such close relationship with Pandit Jawaharlal Nehru, but he asked: "Who would not love and bow before him for giving expression to such noble sentiments and ideals. And why should we now be prosecuted for upholding these very principles and ideals?"

Sheikh Mohammad Abdullah explained to the Court the difference between referendum and plebiscite which the Magistrate had asked Mr. Mohiuddin Shawl to throw light upon, during the course of his arguments. He said that these were the two weapons in the hands of the people who are considered sovereign in the modern set-up of democracy. But while referendum limited the choice of the people to mere yes or no with regard to a controversial piece of legislation, the plebiscite was wider in its scope and was resorted to when fundamental changes such as territorial adjustments between two sovereign States were involved. In this regard he cited the case of Iran where a referendum was held on oil nationalization issue during Mr. Musaddiq's premiership. He also cited the examples of Saar, Outer Mongolia and Cameroons and other States of Africa, where the question of territorial adjustment was resolved by holding plebiscite. The Magistrate asked: "Is there any such provision in the Indian Constitution?" to which Sheikh Saheb replied that that was the very basic concept of democracy and, therefore, inherent in all democratic Constitutions.

Commenting upon the communique issued by the two Prime Ministers of India and Pakistan on 21st August, 1953, Sheikh Mohammad Abdullah stated that this was supported by Bakhshi Ghulam Mohammad strongly in his statement issued to the Press on August 22, 1953. He then quoted portions from this statement in which Bakhshi Ghulam Mohammad had, *inter-alia*, stated :

- (a) "I welcome the declaration of the two Prime Ministers in regard to the future disposition of the State of Jammu and Kashmir on the basis of the principle of self-determination. This declaration was finalised on behalf of the Government of India with our concurrence and has our unqualified support. The reiteration of the principle that the people of the State should be afforded fullest opportunities of expressing their will, without coercion or pressure, acquires great significance in view of the resolve of the two Prime Ministers to have the dispute settled through peaceful means and without any outside interference.....
- (b) "I now hope that the decision of the two Prime Ministers will be implemented faithfully.
- (c) "Of late proposals about unnatural partition of Jammu and Kashmir State had been mooted by responsible quarters here and abroad and consequently the memory of the grim events of 1947 was haunting the people in all parts of the State. I am happy that it has been recognised that the unity of the people of the Jammu and Kashmir should not be disrupted in any way.....
- (d) "Now that we have succeeded in securing our right of self-determination, we can hopefully look forward to more peaceful times.
- (e) "The elimination of foreign interference and the of good-will and co-operative spirit, of which there

is abundant evidence in the statement of the two Prime Ministers, will, in our opinion, lead to a successful and honourable settlement of these issues. As soon as these matters of dispute are dealt with amicably, the Jammu and Kashmir Government will consider the question of formally appointing a Plebiscite Administrator and inducting him into office. We believe that for the discharge of onerous responsibilities as a Plebiscite Administrator, a person of proven impartiality and merit, free from international controversies and commitments, will be selected to hold this high office...

- (f) "No effort should, therefore, be spared to bring the two countries closer to each other."

Sheikh Mohammad Abdullah observed that the accused in the dock wanted nothing more than the faithful implementation of what has been stated by Bakhshi Ghulam Mohammad in the above excerpts. "Why then this great 'hulla-ballo' about the demand of the plebiscite?" he asked. It is pertinent to note, said Sheikh Saheb, that this statement by Bakhshi Ghulam Mohammad was made two weeks after his arrest in August, 1953 which clearly proved the absurdity and hollowness of the Prosecution assertion that there had arisen differences in ideals and policies between him and some of his colleagues in the cabinet or in the National Conference.

Alluding to sub-paragraph 4 of para 14-B of his written argument, Sheikh Mohammad Abdullah deplored that there was a wide gulf between the precept and practice in the statements made and pledges given by the Government of India. He added that if according to Government of India Pronouncement in 1948, "there is to be no victimisation of any native of the State, whatever his political views or affiliations may be and no Kashmiri will be deprived of the right to vote." then why all this victimisation and harassment which the accused in the dock and thousands of others along with them are suffering since 1953!"

According to the Prime Minister of India, the Indian Army went to Kashmir "to protect the people and as soon as this duty is discharged, our forces need not remain there and we shall withdraw our forces..." The Indian Army was sent to Kashmir to protect the right of self-determination of the people of Jammu and Kashmir against onslaught of raiders. In another place the Prime Minister had stated the Indian Army had come to protect the people of the State "from the invasion and rape and loot and everything that accompanied that invasion" and not with the object of acquiring the territory of the State for India. Therefore, if any one now felt that there was no further need of protection by the Indian Army and accordingly wanted that it should leave the State, "what crime did he commit?" he asked. He further added that he had very high regard for Indian Army personnel and that he had had personal and most cordial relations with many of its senior officers, but he could never believe that in Gandhi's India the army was raised for territorial gain and subjugation.

Concluding his arguments, Sheikh Saheb thanked the Magistrate and requested him to keep his written arguments on the file of the case, a signed copy of which he presented to the Court.

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Sheikh Abdullah's speech at Jammu and Kashmir State People's Convention

It is a matter of great privilege and pleasure for me to welcome you all here today on this historic occasion when we are meeting at a crucial period of our long and chequered history, marked by many vicissitudes, and ups and downs but also by a fair modicum of successes, which God in his great wisdom and bounty had bestowed upon some of our labours. I see before me today a distinguished gathering belonging to the various segments of our society and representing diverse thoughts and opinions in our body politic. That indeed is a measure of the value which this meet carries and earnest of efforts to explore the situation to the best of our ability.

This is no occasion to dig the past for its own sake, to indulge in recriminations or rancour, as we bear ill-will to none. If we in this convention seek to do any post-mortem of the past events we are solely motivated by our desire to find a way out of our present impasse. In doing so I hope and pray that we shall not be guided by any narrow or parochial considerations but by the larger interests of our people; and we may therefore bring to bear on our task that catholicity and urbanity of outlook, a dispassionate consideration of our problems and an objectivity which is both-informed and constructive and is free from any taint of malice, ill-will or disaffection in

our attempt to get down to the heart of our problem, where there is no place to apportion praise or blame for our present malaise.

The task that I have indicated above is, therefore, one of stock taking, of heart searching, of turning to God for His gracious guidance, so that no words that may fall from our lips may wittingly or unwittingly wound any susceptibilities or arouse any passions; but in a calm, cool and calculated manner we may proceed to our task not deflected from our course by the provocations that have been hurled at us or still may be hurled at us, even questioning our very bonafides and our credentials.

We, who have laboured so long in this great adventure for our People's freedom and emancipation from tyranny have not a clean slate to write upon. To quote the words of the great departed leader, Mr. Nehru, who had stated as far back as June 26th, 1952 :

"We have not got a clean slate to write upon; we are limited, inhibited by our commitments to the United Nations, by this, by that. But nevertheless, the basic fact remains that we have declared—and even if we had not declared the fact would remain—that it is the people of Kashmir who must decide. And I say with all respect to our Constitution that it just does not matter what your Constitution says, if the people of Kashmir do not want it, it will not go there... Let us suppose there was a proper plebiscite there—and the people of Kashmir said, "We do not want to be with India." Well, we are committed to it, we would accept it. It might pain us but we would not send an army against them; we might accept it, however much hurt we might feel about it, and we should change our Constitution about it."

In another speech in the same vein on August 7, 1952, he had stated :

"It is an international problem. It would be an international problem anyhow if it concerned any other nation besides Indian, and it does. It became further an international problem because a large number of other countries also took an interest and gave advice... . So while the accession was complete in law and in fact, the other fact which has nothing to do with the law also remains, namely, our pledge to the people of Kashmir—if your like, to the people of the world—that this matter can be reaffirmed or cancelled or cut out by the people of Kashmir if they so wish. We do not want to win people against their will and with the help of armed force, and if the people of Jammu and Kashmir State so wish it, to part company from us, they can go their way and we shall go our way. We want no forced marriages, no forced unions like this... .

So, we accept this basic proposition that this question is going to be decided finally by the goodwill and pleasure of the people of Kashmir, not, I say, by the goodwill and pleasure of even this Parliament if it so chooses, not because this parliament may not have the strength to decide it—I do not deny that—but because this parliament has not only laid down in this particular matter that a certain policy will be pursued in regard to Jammu and Kashmir State but it has been our policy... .

But whether it is a pain and a torment, if the people of Kashmir want to go out, let them go because we will not keep them against their will however painful it may be to us. That is the policy that India will pursue and because India will pursue that policy, people will not leave her. People will cling to her and come to her. Because the strongest bonds that bind will not be the bonds of your armies or even of your constitution to which so much reference has been made, but bonds which are stronger than the constitution and laws and armies—bonds that bind through love and affection and understanding of various peoples. Therefore, we must be clear in our minds, that this question in regard to the future of

Jammu and Kashmir State can ultimately only be decided by the people of Jammu and Kashmir State. Having come to that conclusion then, let us fashion our other policies accordingly, then let us not find fault with something here and there because it does not fit in with our wishes".

Gandhiji made the following observations on August 5th, 1947 which are as relevant today as when they were made.

"He had no hesitation in saying that the will of the Kashmiris was supreme law in Kashmir and Jammu... . The common sense dictated that the will of Kashmiris should decide the fate of Kashmir and Jammu. The sooner it was done, the better."

India will be free on 15th August, what of Kashmir? A deputation of workers asked him that question at Jammu. "That will depend on the people of Kashmir". Gandhiji replied: They all wanted to know whether Kashmir would join the Union or Pakistan. "That again answered Gandhiji: "should be decided by the will of the Kashmiris."

On the conclusion of his visit to Kashmir he wrote to Pt. Nehru:

"that both (Maharaja and Maharani) admitted that with the lapse of British Paramountcy, the true Paramountcy of the people of Kashmir will commence. However much they might wish to join with the Union, they would have to make the choice in accordance with the wishes of the people."

May I say in all humility that Gandhi and Nehru, the twin stars that have shone on the firmament of India and who had dominated the scene for over half a century are synonymous with India and that not only their honour is bound up with their word but the honour of India is likewise bound up

with their word, and any attempt made to riggle out of any solemn pledges given by them would tend to sully the image of India and tarnish it as nothing else would do.

Gentlemen, I am circulating a copy of an Article that I contributed to the "Foreign Affairs Journal" of America at their request which deals briefly with the genesis of the Kashmir question. It is, therefore, not necessary for me to refer in this address to any of these matters in detail. Suffice it to say that it embodies some suggestions which had been canvassed to settle this much vexed question of the State, which I commend to your consideration. While I have no desire to prejudice your consideration thereof, I wish to say that the Dixon Plan referred to therein suffers from the obvious defect that it denies to the areas other than the "Valley and adjoining areas" what it concedes in the case of the Valley and its adjoining areas.

It is, however, noteworthy to add that there is the International aspect of the problem, the guarantees given to the International Community and more particularly to the people of Jammu and Kashmir, guarantees and pledges which were rooted in their hoary past and were sanctified by the blood and sweat and the tears that went with them. These tears continue to be shed; and though about a quarter of a century has passed, when freedom dawned on the Sub-continent the people of Jammu and Kashmir continue to toil and labour under unmitigated suffering patiently borne for the vindication of their just rights and fair play and justice as God's great dispensation to them. While we pay lip service to these great principles and ideals, we do precious little to further the realisation of these objectives, but relentlessly pursue courses leading to the opposite direction and to the denial to them of the fruits of their portion of freedom. I do not think I have over drawn the picture. The State of Jammu and Kashmir continues to be divided and to remain mutilated and truncated and large sections of its people have been separated over the years, driven from their homes, with no immediate prospect of being reunited or settled in their own hearths and homes or those of

their near and dear ones. The movement across the two separated parts of the State is so meagre as to be non-existent. When some of us talk glibly of the economic regeneration of the State and consider that it is the only question to be tackled, they tend to lose the sight of the trees for the wood. I had been away from the scene for 13 years, enjoying only an occasional spell of freedom, and during these long years those who have been at the helm of affairs or continue to be at the helm; had an unique opportunity to translate their past pledges into a reality. I blame no one for the present state of affairs; but with all the power of the State, the vast funds that had come into their possession, have they been able to ameliorate materially the condition of the masses? Have they succeeded in rehabilitating their uprooted brothers, in ushering in an era of comparative prosperity and happiness? Is it not a fact that the people of the State, particularly the people in the Valley, when it is snow bound, are denied the very elementary necessities of life? Had not unemployment both among the educated classes of the people and otherwise, increased? Is not discontent mounting up everyday and the burdens of life instead of showing any signs of demunition tend to multiply? We have to find an answer to the questions that I have posed; and that needs a certain amount of clear thinking and a great deal of honesty of purpose. Is not all this symptomatic of a deeper malady which afflicts the body politic, the uncertainty, the suspense that has crept into and is eating the very vitals of the community, the uncertainty resulting from an uncertain future—a future which holds no promise of stable peace and security, particularly in the sub-continent as recent events had woefully shown. If I have cried myself hoarse in the days after I regained my freedom since my last incarceration, I have been moved largely by the consideration that we may do our little bit to see that the events of the recent past are not repeated and that we are spared the horrors of another holocaust with all its hazards and perils to the safety of the teeming millions in the sub-continent a possibility heightened by the addition of stock-piling that is proceeding apace and the arms race that is going on around us. With the confrontation of rival armies on our borders, and their presence amidst us, can we, the people of the State, afford to be

complacent and shut our eyes to the lurking dangers inherent in such a situation, which may well spell our doom and of the generation yet unborn and seal our fate irrevocably. If we counsel the resolution of the disputes amongst the neighbours as the best way of preserving our own existence, is the labour and time spent on such confabulations wasted in any manner? I repeat, we the people of the State have had an agonising time. There have been eruptions of violence. Our men, women and children and particularly our boys and girls have had to face great suffering and tribulations. We must seek to end this unhappy state of affairs, and if we meet here today to consider this basic problem as to how best to alleviate the suffering of our people, what way there is out of the present imbraglio which would free them from their present shackles of poverty, ignorance and disease, and also from the crippling and corroding influences which are at work, so that they are able to face their future with confidence, I think the attempt is well worth being made; for it is their welfare, their happiness which should in the ultimate analysis count, and the world community and particularly the two great countries, India and Pakistan, should see our plight and lend a helping hand, so that we may fashion our destiny according to our wishes and the genius of our people in a free atmosphere not vitiated by force or coercion but assisted by the mutual goodwill of the two great neighbours and others in whose interest also it is that all irritants between them should be eliminated quickly to enable them not only to better the lot of their people, but to be able to pull their full weight in the comity of nations to which they are fully entitled by the compulsions of history and geography.

Gentlemen, I have permitted myself a few reminiscences in the hope and belief that God in His Infinite mercy may guide our labours here so that it may never be said that we failed ourselves and our people at this supreme hour of our destiny. May the people of the State of Jammu and Kashmir, the people of the sub-continent, and the people of the world at large, be able to live a life free from fear and exploitation, and may all nations, big or small, be able to fashion their

lives according to their own needs without let or hindrance by others! May we her in this Convention be influenced not by petty fogging, but by a sense of high purpose and the vision of larger human causes which transcend and cut across all barriers of caste, creed, colour, race, language and the like and underline the universality of human brotherhood and the oneness of the family of man on God's earth.

Before I conclude, I must express my profound gratitude to Shri Jayprakash Narayan for his having inaugurated this Convention. This I know he did at a great personal inconvenience to himself and in spite of a great deal of pressure on his time and also some uncharitable view taken of his action in certain quarters. His presence amidst us will, I venture to think, fortify and sustain us in our work. I must also thank you all the participants in the Convention and observers, for having taken the trouble of attending this Convention, particularly those of you who have come from long distances. My thanks are also due to the gentlemen of the Press for the unstinted co-operation extended to us by them in our present task.

I cannot close this address without expressing my deep sense of grief that the powers that be did not see the wisdom of providing the requisite facilities to the nationals of the State from across the Ceasefire Line and others to attend this Convention. I have no doubt that their presence here would have been of invaluable assistance in furthering the cause that I had set out earlier. Thank You.

